



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 20]

शिमला, शनिवार, 25 मार्च, 1972/5 चंत्र, 1894

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25 मार्च, 1972/5 चंत्र, 1894 को समाप्त होने वाले सप्ताह में निम्नलिखित विनित्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विनित्ति की संख्या	विभाग का नाम	विषय
No. 11-44/71-E&T., dated the 16th March, 1972.	Excise and Taxation Department	Amendment in the Punjab Excise Powers and Appeal Order, 1956 as notified vide Punjab Government Notification No. 99J-E&T-56/724, dated the 19th March, 1956.
No. 11-44/71 E&T., dated the 16th March, 1972.	-do-	Amendments in the Himachal Pradesh Excise Powers and Appeal Order, 1965 as notified vide H. P. Govt. Notification No. 1-17/61-E&T., dated the 7th August, 1955.
No. 1-7/67-VS., dated the 19th March, 1972.	Vidhan Sabha Secretariat	Resignation of Shri Des Raj Mahajan from the office of Speaker.
No. 6-6/72-GAD(CC), dated the 19th March, 1972.	General Administration Department	Appointment of the Ministers of Cabinet Rank and Ministers of State of Himachal Pradesh.
No. 11-3/71-GAC., dated the 7th March, 1972.	-do-	Republication of the Government of India, Ministry of Information and Broadcasting Order No. 28/1/71-FP, dated the 18th January, 1972 and No. 28/1/71 FP, dated the 18th January, 1972.
No. 6-7/72-GAD(CC), dated the 21st March 1972	-do-	Allocation of part folios amongst the Cabinet Ministers.
No. 1-7/72 GAD(CC), dated the 21st March, 1972.	-do-	Allocation of portfolios amongst the Ministers of State.
No. 5-4/72-GA-C., dated the 23rd March, 1972.	-do-	Appointment of Shri Karam Singh before whom Members of the Himachal Pradesh Legislative Assembly may make and Subscribers the Oath or affirmation.

भाग 1—बंधनिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश

हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATION

Ravenswood, Simla-1, the 6th March, 1972

No. HHC. 6-20/71-1966.—It is hereby notified for general information that Wednesday, the 8th March, 1972 will be observed as Local holiday by the High Court of Himachal Pradesh and the Subordinate Courts located in Mahasu, Chamba, Kangra and Kulu districts in Himachal Pradesh on account of General Election to the State Legislative Assembly.

By order of the Court,
KEDAR ISHWAR,
Registrar.

हिमाचल प्रदेश सरकार

PERSONNEL DEPARTMENT (A)

NOTIFICATION

Simla-2, the 18th December, 1971

No. 1-9/71-Apppt. (DP).—In partial modification of this Department's notification of even number, dated the 11th December, 1971, the Governor, Himachal Pradesh is pleased to order the following postings and transfers with immediate effect in the public interest:—

- (1) Shri A. D. Dhanta, Superintendent, Directorate of Health and Family Planning, presently posted as Private Secretary to Public Works Department Minister who has been approved for officiating appointment, is appointed to officiate as Under Secretary (L.S.G.) to the Government of Himachal Pradesh, and
- (2) The transfer orders of Shri Hem Chand, H.A.S., S.D.O./S.D.M., Simla as Under Secretary (L.S.G.) to the Government of Himachal Pradesh issued vide this Department's notification of even number, dated the 11th December, 1971, are hereby cancelled.

CORRIGENDUM

Simla-2, the 29th February, 1972

No. 1-3/71-Apppt. (DP).—In para 1 of this Department notification of even number, dated the 11th December, 1971, the word "promoted" appearing against serial No. 7, 8 and 9 is substituted by word "appointed".

NOTIFICATIONS

Simla-2, the 2nd March, 1972

No. 1-160 57-DP-Apppt.—The Government of Himachal Pradesh regrets to announce the death of Shri Harbans Singh Negi, formerly Deputy Commissioner, District Bilaspur, on the 14th February, 1972.

Simla-2, the 8th March, 1972

No. 3-89/71-Apppt. The Governor, Himachal Pradesh is pleased to accord sanction to the grant of 20 days' earned

leave with effect from 14-2-1972 to 4-3-1972 in favour of Shri S. Nigam, H.P.A.S., presently posted as S.D.O. (Civil), Kalpa, District Kinnaur, with permission to prefix 2nd Saturday and Sunday falling on the 12th and 13th February, 1972 and to suffix Sunday falling on the 5th March, 1972, subject to the verification of title to leave.

2. Certified that Shri S. Nigam, H.P.A.S., would have continued to officiate as S.D.O. (Civil), Kalpa District Kinnaur but for his proceeding on 20 days' earned leave.

3. Certified that Shri S. Nigam, H.P.A.S., S.D.O. (Civil), Kalpa is likely to return to duty to the station from where he proceeds on leave.

Simla-2, the 8th March, 1972

No. 3-58/71-Apppt.—The Governor, Himachal Pradesh is pleased to accord sanction to the grant of 26 days' earned leave with effect from 20-3-1972 to 14-4-1972 in favour of Shri Lalji Singh, a Select List Officer of the H.P.A.S., presently posted as Sub-Divisional Officer (Civil), Rohru, District Mahasu, with permission to prefix Sunday falling on the 19th March, 1972 and to suffix gazetted holidays falling on the 15th and 16th April, 1972, subject to verification of title to leave.

2. Certified that Shri Lalji Singh, H.P.A.S., (Select List) would have continued to officiate as S.D.O. (Civil), Rohru, District Mahasu but for his proceeding on 26 days' leave.

3. Certified that after the expiry of leave, Shri Lalji Singh, S.D.O. (Civil), Rohru, is likely to return to duty to the same station from where he proceeds on leave.

Simla-2, the 10th March, 1972

No. 1-3/71-Apppt. (DP).—The Governor, Himachal Pradesh is pleased to order the following postings and transfers, with immediate effect in the public interest:—

- (1) on his reversion from deputation with the Government of India, Ministry of Home Affairs, Sri M. S. Mukherjee, I.A.S. (HP), is posted as Excise and Taxation Commissioner, Himachal Pradesh vice Shri P. T. Wangdi; and
- (2) Shri P. T. Wangdi, I.A.S. (Himachal Pradesh), Excise and Taxation Commissioner, Himachal Pradesh is transferred and posted as Joint Secretary (Home and GAD) to the Government of Himachal Pradesh, Simla-2.

Simla-2, the 10th March, 1972

No. 1-9/71-DP (Apppt).—Consequent upon the retirement of Shri B. L. Budhiraja, the Governor, Himachal Pradesh is pleased to order that Shri Raj Kumar Sharma, Deputy Director, Community Development, Himachal Pradesh shall also hold the additional charge of the post of Deputy Director Panchayati Raj, Himachal Pradesh till further orders.

S. S. SIDHU,
Joint Secretary.

Simla-2, the 14th March, 1972

No. 3-75/71-DP-Apppt.—The Governor, Himachal Pradesh is pleased to order the following postings and transfers, with immediate effect in the public interest:—

- (1) On his reversion from deputation with the Government of India, Ministry of Home Affairs, Shri H. S. Dubey, I.A.S. is posted as Divisional Commissioner, Himachal Pradesh vice Shri P. K. Mattoo; and
- (2) Shri P. K. Mattoo, I.A.S. Divisional Commissioner, Himachal Pradesh is transferred and posted as Secretary (Industries, Transport and Tourism) to the Government of Himachal Pradesh.

Simla-2, the 15th March, 1972

No. 8-137/71-Apptt.—The Governor, Himachal Pradesh is pleased to appoint Shri V. Subramanian, formerly Accountant General, Himachal Pradesh and Chandigarh, as Finance and Accounts Member, Himachal Pradesh State Electricity Board in the scale of Rs. 2000-125-2250, which shall be personal, to him, for the present, with effect from the 3rd January, 1972 (forenoon).

Simla-2, the 15th March, 1972

No. 1-4/71-DP-Apptt.—The Governor, Himachal Pradesh is pleased to order the following postings, transfers and promotions with immediate effect, in the public interest:—

- (1) Services of Shri R. K. Srivastava, I.P.S. (HP) Superintendent of Police, Mahasu are placed at the disposal of the Director Intelligence Bureau, New Delhi;
- (2) Shri I. N. S. Sandhu, I.P.S. Superintendent of Police, Kinnaur, Kalpa is transferred and posted as Superintendent of Police, Mahasu district vice Shri R. K. Srivastava; and
- (3) Shri R. P. Kureel, I.P.S. (HP), Assistant Superintendent of Police, Sundernagar, District Mandi is promoted and posted as Superintendent of Police, Kinnaur district vice Shri I. N. S. Sandhu.

2. Shri R. P. Kureel shall move first. On relief by Shri Kureel, Shri I. N. S. Sandhu will move from Kalpa and take over from Shri Srivastava.

K. N. CHANNA,
Chief Secretary.

HOME DEPARTMENT NOTIFICATION

Simla-2, the 16th March, 1972

No. 16-39/67-Home.—Whereas the places specified in the Schedule below are places used for means of communication for purposes of a public character.

And whereas information with respect to, or the destruction or obstruction of, or interference with, any of the said places would be prejudicial to security.

Now, therefore, in pursuance of sub-clause (c) and (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (XIX of 1923), the Governor of Himachal Pradesh hereby declares each of the places specified in the said Schedule to be a 'Prohibited Place' for the purposes of the said Act and directs that a copy of this notification in English and in the vernacular of the locality be affixed to each of the said places.

SCHEDULE

KINNAUR DISTRICT

1. Kalpa Wireless Station.

LAHAUL & SPITI DISTRICT

1. Kaza Wireless Station.
2. Keylong Wireless Station.

CHAMBA DISTRICT

1. Dalhousie Exchange/Microwave.
2. Chamba Wireless Station.
3. Killar Wireless Station.
4. Chamba Exchange.

KANGRA DISTRICT

1. Dharamsala Exchange/Car.
2. Yol Exchange/Car.
3. Palampur Exchange.
4. Kangra Exchange.

SIMLA DISTRICT

1. Kasauli Microwave.
2. Simla Car/Microwave/Trunks.
3. Simla Wireless Station.
4. Kasauli Exchange.
5. Dagshai Exchange.
6. Subathu Exchange.

MANDI DISTRICT

1. Mandi Exchange.
2. Jogindernagar Exchange.
3. Sundernagar Exchange.

BILASPUR DISTRICT

1. Bilaspur Exchange.

MAHASU DISTRICT

1. Rampur Bushahr Exchange.
2. Solan Exchange.
3. Theog Exchange.

KULU DISTRICT

1. Kulu Exchange.

SIRMUR DISTRICT

1. Nahan Exchange.

K. N. CHANNA,
Chief Secretary.

AGRICULTURE DEPARTMENT NOTIFICATIONS

Simla-2, the 13th March, 1972

No. 29-82/69-Agr. (Sectt.)—The Governor, Himachal Pradesh with the prior concurrence of the Himachal Pradesh Public Service Commission obtained vide their letter No. PSC. 62/71, dated the 11th January, 1972 is pleased to order the continuance of *ad hoc* appointment of Shri Amarjit Rampal in the post of Assistant Botanist (Maize), Dhaula-kuan in Class II scale of Rs. 350-25-500-30-590/30-830-35-900 for further period up to 31st December, 1971.

K. C. PANDEYA,
Secretary.

Simla-2, the 15th March, 1972

No. 1-2/71-Agr. (Sectt.)—The Governor, Himachal Pradesh is pleased to appoint the Deputy Secretary (Agriculture) to the Government of Himachal Pradesh, to exercise the powers of a state officer the State of Himachal Pradesh under clauses 7(4) (b), 8, 9(2), 10(1) and 12 of

"The Tractors (Distribution and Sale) Control Order, 1971", promulgated by the Government of India, Ministry of Industrial Development w.e.f. 1st September, 1971 for the following purposes:—

- (1) To inspect the registers of the dealers.
- (2) To issue a permit for the sale of tractor by the dealer to the legal heir of the deceased whose name is already on the register of a dealer.
- (3) To issue a permit for the purchase of a second new tractor before the expiry of a period of twelve months from the date of the purchase of the first tractor.
- (4) To issue a permit for the sale of the tractors before the expiry of a period of two years from the date of purchase of such tractors.
- (5) To exercise the powers to stop (a vehicle or a person), enter (premises or a vehicle), search (person or a vehicle or premises) and seize (vehicle, a tractor and a part(s) thereof).

By order,
K. C. PANDEYA,
Secretary.

ANIMAL HUSBANDRY DEPARTMENT NOTIFICATION

Simla-2, the 13th March, 1972

No. 1-48/71-AH (Sectt.).—The Governor, Himachal Pradesh on the recommendations of Himachal Pradesh Public Service Commission, is pleased to appoint Shri Naresh Kumar Bhanot, as Dairy Engineer, in the pay scale of Rs. 400-30-700/40-1100, Class II (Gazetted), under the Composite Milk Supply Scheme, Mandi, on the terms and conditions offered to him vide memo. No. 1-17/71-AH (Sectt.), dated the 22nd December, 1971, w.e.f. 1st January, 1972, forenoon.

By order,
K. C. PANDEYA,
Secretary.

COMMUNITY DEVELOPMENT DEPARTMENT NOTIFICATIONS

Simla-4, the 7th March, 1972

No. 4-159/64-E-Dev.—The Governor, Himachal Pradesh is pleased to allow Shri V. D. Gupta, B.D.O. to cross the efficiency bar at the stage of Rs. 590 in the pay scale of Rs. 350-25-500-30-590/30-800 thereby raising his pay to Rs. 620 p.m. w.e.f. the 24th October, 1969.

Simla-4, the 8th March, 1972

No. 6-203/58-E (Dev.).—The Governor, Himachal Pradesh is pleased to allow Shri D. K. Negi, Block Development Officer, to cross the efficiency bar at the stage of Rs. 590 in the pay scale of Rs. 350-25-500-30-590/30-800 thereby raising his pay to Rs. 620 p.m. with effect from the 1st September, 1969.

K. C. PANDEYA,
Secretary.

EDUCATION DEPARTMENT NOTIFICATIONS

Simla-2, the 7th March, 1972

No. 3-22/69-Edu. II.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be

taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of School building at Dhugiari (Kangra) Himachal Pradesh, it is hereby notified that land in the locality described below is likely to be acquired for the said purpose.

2. This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of the said land building and land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Kangra district.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Village/Town	Khasra No.	Area
SANORA P.O. GAGGAL.	253 and 254	11 Kanals and 4 marlas.

Simla-2, the 16th March, 1972

No. 21-5/70-Edu. II.—In exercise of the powers conferred upon him under sub-section (6) of section 6 of the Himachal Pradesh Board of School Education Act, 1968 (Act No. 14 of 1968) and all other powers in this behalf, the Governor, Himachal Pradesh is pleased to terminate with immediate effect the membership of Shri P.N. Semwal who has ceased to be an Inspecting Officer of the Education Department, in which capacity he was nominated a member of the Himachal Pradesh Board of Education, and to nominate in his place and for his remaining term of office Shri Prem Singh, Deputy Director of Education (South Zone), Simla to be a member of the Board of School Education, Himachal Pradesh.

Simla-2, the 16th March, 1972

No. 21-5/70-Edu. II.—In exercise of the powers conferred upon him under sub-section (6) of section 6 of the Himachal Pradesh Board of School Education Act, 1968 (Act No. 14 of 1968) and all other powers in this behalf, the Governor, Himachal Pradesh is pleased to terminate with immediate effect the membership of Shri Rajinder Pal, who has ceased to be the head of a High School, in which capacity he was nominated a member of the Board of School Education, and to nominate in his place and for his remaining term of office, Shri Gian Singh Sen, Headmaster, Government High School, Hatgarh, District Mandi, to be a member of the Board of School Education, Himachal Pradesh.

By order,
PRAKASH CHAND,
Secretary.

FINANCE (REGULATION) DEPARTMENT NOTIFICATION

Simla-2, the 7th March, 1972

No. 12/1/69-Fin(Reg.) Vol. III.—The Governor, Himachal Pradesh, is pleased to declare the Personal Assistant to the Advocate General as Disbursing Officer under head "21—Administration of Justice-B-Law Officers" in respect of the office of the Advocate General.
M. M. SAHAI SRIVASTAVA,
Secretary.

FOREST DEPARTMENT CORRIGENDUM

Simla-2, the 2nd March, 1972

No. 5-4/71-SF.—Please read "Sari" in place of "Sh" under column 5 of Schedule appended to Government notification of even number, dated 12-11-1971 issued under section 30 of Indian Forest Act, 1927.

P. K. MATTOO,
Secretary.

GENERAL ADMINISTRATION DEPARTMENT (A) CORRIGENDUM

Simla-2, the 2nd March, 1972

No. 16-7/70-GAD-I.—Substitute "Deputy Secretary (Finance)" for the words "Under Secretary (Finance) Budget" in 3rd and 4th lines of this Department notification of even number, dated the 19th July, 1971, regarding appointment of Treasurer Charitable Endowments, Himachal Pradesh.

K. N. CHANNA,
Chief Secretary.

("C"—SECTION) NOTIFICATIONS

Simla-2, the 7th March, 1972

No. 11-4/71-GAC.—The notification No. 28/3/70-FP, dated the 18th January, 1972 issued by the Government of India, Ministry of Information and Broadcasting, New Delhi and published in the Gazette of India, Part-II, section 3 sub-section (ii) is republished for information of the general public.

N. C. KAUSHAL,
Under Secretary.

Copy as above.

No. 2/3/70-FP.—In pursuance of the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 1/29-58-FP dated the 5th February, 1959, as amended from time to time the Central Government hereby nominates Shri Jamshedji Bhada as a member of the Film Advisory Board, Bombay with effect from the date he assumes charge of this office, for a term of two years.

Simla-2, the 9th March, 1972

No. 11-57/66-GAD-I.—The Governor, Himachal Pradesh is pleased to appoint Shri N. C. Kaushal, Under Secretary(GAD) to the Government of Himachal Pradesh, to officiate as Secretary, State Soldiers' Sailors' and Airmen's Board in the pay scale of Rs. 900-50-1000-60-1600-50-1800 purely as a temporary arrangement in further orders w.e.f. 8th January, 1972.

2. Shri Kaushal shall also hold the post of Under Secretary (GAD) to the Government of Himachal Pradesh in addition to his own duties.

3. Shri N. C. Kaushal will be entitled to the pay of the Post of Secretary, State Soldiers' Sailors' and Airmen's Board and will also draw additional pay at the rate of 20% of his post as Under Secretary (GAD), till such time as he holds the charge of the post of the Secretary State Soldiers' Sailors, and Airmen's Board.

B. C. NEGI,
Secretary.

INDUSTRIES DEPARTMENT NOTIFICATIONS

Simla-2, the 10th March, 1972

No. 4-19/71-SI(MIDC).—In partial modification of this Department's notification of even number, dated the 11th/13th January, 1972, and in exercise of the powers conferred on him vide Article 82 of the Articles of Association of Himachal Pradesh a Mineral and Industrial Development Corporation Ltd., the Governor of Himachal Pradesh is pleased to appoint/re-appoint the following as Directors of the said Corporation with effect from the dates indicated against each:—

1. Shri M. M. Srivastava, Secretary 13-1-1972.
(Finance) to Government of Himachal Pradesh.
2. Shri Gobind Sahai, Managing 13-1-1972.
Director, Himachal Pradesh Financial Corporation.
3. Shri R. C. Sharma, Managing 26-11-1971.
Director, Himachal Pradesh Mineral and Industrial Development Corporation.

Simla 2, the 28th February/14th March, 1972

No. 10-53/70-SI.—In exercise of the powers conferred upon him under section 8 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Governor of Himachal Pradesh is pleased to appoint Shri Ke. ar Ishwar, Registrar of the Himachal Pradesh High Court as Presiding Officer of the Labour Court, Himachal Pradesh constituted vide this Government notification No. 10-53/70-SI, dated the 28th July, 1970 with immediate effect on the following terms and conditions:—

"He will be given a honorarium of Rs. 150 (Rupees one hundred and fifty only) per mensem."

The expenditure incurred on this account shall be debitable to head "38—Labour and Employment-A-1 Labour—A-1(3) Allowances and Honoraria" and the Labour Commissioner, Himachal Pradesh will be the Controlling Officer in regard to the countersigning the bills of honorarium of the Presiding Officer.

By order,
P. K. MATTOO,
Secretary.

LAW DEPARTMENT NOTIFICATION

Simla-2, the 25th February/4th March 1972

No. L.R. 107-323/50-II.—Whereas Shri Ram Kishan, Pleader, Mahasu district of Himachal Pradesh who was previously appointed as the Notary, under the Notaries Act, 1952 (53 of 1952) and the Notaries Rules, 1956, framed thereunder to function as such within limits of the Mahasu district, vide this Government notification of even number, dated the 22nd January, 1965, has applied for the extension of area of practice under rule 8-A of the Notaries Rules, 1956, to the Simla district of Himachal Pradesh.

And whereas all the formalities required under the said Act and Rules have been completed.

Now, therefore, the Governor of Himachal Pradesh, in exercise of the powers conferred by section 3 of the said Act, read with rule 8-A of the Notaries Rules, 1956 is pleased to extend the area of practice of Shri Ram Kishan, Pleader, as Notary for the District of Mahasu to the territorial limits of Simla district also,

with immediate effect, and with the direction that his name be entered in the Register of Notaries maintained by the Government.

By order,
B. D. SHARMA,
Secretary.

PLANNING DEPARTMENT NOTIFICATION

Simla-3, the 3rd March, 1972

No. 8-23/62-Plan(DES).—The Governor, Himachal Pradesh is pleased to order the reversion of Shri Naval Kishore, District Statistical Officer, who is on deputation with the S.S.B. Organisation as Sub-Area Organiser, Jogindernagar to his parent Department i.e., Directorate of Economics and Statistics, Himachal Pradesh.

2. Shri Naval Kishore, on his reversion, will report to the Director of Economics and Statistics, for further posting.

By order,
B. C. NEGI,
Secretary (Economics and Statistics).

PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Simla-2, the 2nd March, 1972

No. 2-35/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Tourists Complex Building and Lift, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Further in exercise of the powers under section 17(4) of the said Act the Governor of Himachal Pradesh is pleased to direct that the provisions of section 5-A will not apply in regard to this acquisition.

SPECIFICATION

District: SIMLA

Tehsil: SIMLA

Village	Khasra No.	Approximate area sq. yds. sq. ft.
1	2	3 4
S/W CHHOTA SIMLA	476/1	2362 7
	1/3	62 1
	1/1 min	556 4
	1/1 min	550 5
Total		3537 8

Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose,* it is hereby declared that the described in the specification below is required for the said* purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Chamba.

No. 2-38/70-PWD. Simla-2, the 7th March, 1972

*Construction of Bharmour-Mani Mahesh road.

SPECIFICATION

District: CHAMBA

Tehsil: BHARMOUR

Village	Khasra No.	Aear Big Bis.
1	2	3 4
GOSAN (95)	1123	0 11
	1124	0 8
	1125	0 11
	1126	0 10
	1136/1	1 11
	1232/1	0 6
	1233	0 11
	1309/1	0 6
	1310/1	0 19
	1311	0 15
	1315/1	0 2
	1316	0 14
	1317/1	0 7
	1341/1	0 1
	1342	0 2
	1343/1	0 4
	1344/1	0 8
Total		8 6

No. 2-38/70-PWD.

Simla-2, the 7th March, 1972

*Construction of Chamba-Chowari road.

BASODHAN (42)	33/1	1 0
	34/1	0 1
	38/1	0 6
	53/1	0 5
	55/1	0 5
	56/1	0 3
Total		1 19

By order,
L. TOCHHAWNG,
Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-2, the 7th February, 1972

No. 6-9/72-(Rev. A) (I).—Consequent upon the death of Shri Tiru Ram s/o Shri Gurmukh, Village Jasai, Tehsil Hamirpur, District Kangra on 5th June, 1969, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2(a)(i) and 3(I) (a) read with proviso to section 4, of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees One hundred) per annum sanctioned in his favour with effect from Kharif 1965 vide this Government notification No. 6-10/68(Rev. I) II, dated the 21st August, 1968, shall now continue in favour of Shrimati Rupan Devi widow of the said Shri Tiru Ram, with effect from Kharif, 1965, subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her

Simla-2, the 7th February, 1972

No. 6-9/72-(Rev. A) (I).—Consequent upon the death of Shri Gaddi Ram s/o Shri Hoshnaki Ram, village Naiti, Tehsil Hamirpur, District Kangra on 5th April, 1970, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2(a) (i) and 3(I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948, and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from Kharif 1964, vide this Government notification No. 6-352/67 (Rev. I) (II), dated the 6th October, 1967, shall now continue in favour of Shrimati Gillo Devi widow of the said Shri Gaddi Ram with effect from Rabi, 1970 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 7th February, 1972

No. 6-9/72-(Rev. A) (I).—Consequent upon the death of Shri Rohli Ram s/o Shri Joti Ram, Village Ukhli, Tehsil Hamirpur, District Kangra, on 27th June, 1971, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2(a)(i) and 3(I) (a) read with proviso to section 4, of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S. O. 3370, dated

the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from Kharif 1965 vide this Government notification No. 6-4/69-(Rev. I), dated the 14th March, 1969 shall now continue in favour of Shrimati Rohansu Devi widow of the said Shri Rohli Ram, with effect from Kharif, 1971 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 7th February, 1972

No. 6-9/72-(Rev. A) (I).—Consequent upon the death of Shri Rup Singh s/o Shri Mangal, Village Thara, Tehsil Hamirpur, District Kangra on 30th March, 1971, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S. O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from Kharif 1964 vide Punjab Government notification No. 6385-JM (iii) 65/4193, dated the 29th July, 1965 shall now continue in favour of Shrimati Gulabi Devi widow of the said Shri Rup Singh, with effect from Rabi 1971 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 7th February, 1972

No. 6-9/72-(Rev. A) (I).—Consequent upon the death of Shri Mangat Ram s/o Shri Batandu, Village Jadwal, Tehsil Hamirpur, District Kangra on 5th December, 1968, the Governor, Himachal Pradesh in exercise of the powers conferred upon him vide section 2 (a) (i) 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S. O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from Kharif, 1965 vide this Government notification No. 6-352/67-Rev. I (II) (13), dated the 28th September, 1967, shall now continue in favour of Shrimati Janki Devi widow of the said Shri Mangat Ram with effect from Kharif, 1965 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 22nd February, 1972

No. 6-6/70-(Rev. I).—In exercise of the powers conferred by sections 2(a) (i) and 3(I)(a) of the East Punjab War Awards Act, 1948 as amended up-to-date read with the Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, the Governor, Himachal Pradesh is pleased to make grant of War Jagirs of the annual value of Rs. 100 each (Rupees one hundred) only in favour of the undermentioned persons as award for war services rendered by their respective son/sons subject to such conditions as to its enjoyment as are contained in their respective Sanads of the Jagir granted to them in this behalf:—

Serial No. of sons No. in Armed Forces	Name/parentage of the grantee	Particulars of residence	Amount of War Jagir effective
1	2	3	4
1.	One Shri Pritam Singh Ratra s/o Shri Sant Ram.	Village Kulu, Tehsil Kulu, District Kulu.	Rs. 100 P.A. (Kharif, 1965)

Simla-2, the 29th February, 1972

No. 6-171/Rev.I.—In exercise of the powers conferred by sections 2(a) (i) and 3(1)(a) of the East Punjab War Awards Act, 1946 as amended up-to-date read with the Government of India, Ministry of Home Affairs notification No. 6-353/67 (Rev. I) (VI), dated the 1st November, 1966, the Governor, Himachal Pradesh is pleased to make grant of War Jagirs of annual value of Rs. 100 each (Rupees one hundred) only in favour of the undermentioned persons as award for services rendered by their respective son/sons subject to such conditions as to its enjoyment as are contained in their respective Sanads of the Jagir granted to them in this behalf:—

Serial No.	No. of sons in Armed Forces	Name/parentage of the grantee	Particulars of residence	Amount of War Jagir effective
1	2	3	4	5
1	Five	Shri Balam Ram s/o Shri Surjan Singh.	Village Akrana, Tehsil Hamirpur, District Kangra.	Rs. 180 P.A. (Kharif, 1965).

Simla-2, the 2nd March, 1972

No. 6-972-Rev. A) (I).—Consequent upon the death of the Sant Ram or Shri Khazana Ram, Village Chamarah, Tehsil Dehra, District Kangra on 15th February, 1971, the Governor, Himachal Pradesh in exercise of the powers conferred upon him vide section 2(a) (i) and 3(1) (a) read with proviso to section 4 of the East Punjab Awards Act, 1946, and Government of India Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that

the War Jagir of the annual value of Rs. 100 (Rupees one hundred) only per annum sanctioned in his favour with effect from Rabi, 1966 vide this Government notification No. 6-353/67 (Rev. I) (VI), dated the 6th October, 1967, shall now continue in favour of Shrimati Paro Devi widow of the said Shri Sant Ram with effect from Rabi, 1971 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Sd/-
Under Secretary.

Simla-2, the 3rd March, 1972

No. 4-23/71-Rev.(Cell).—In exercise of the powers vested in him under section 48(1) of the Land Acquisition Act, 1894, the Governor, Himachal Pradesh, is pleased to withdraw from the acquisition proceedings initiated for the acquisition of land in the following tikkas in Tehsil Dehra of Kangra district vide notifications issued by Punjab Government as indicated against each:—

Serial No.	Name of tikka	H.B. No.	No. and date of notification under section 4	No. and date of notification under section 6	Area
1.	Har	145/3	No.5577/BP/654-63, dated 21-3-1963	No. 26245/BP(A)/645/63, dated 31-10-1963.	136.41 acres
2.	Sathana Khas	145/4	-do-	-do-	31.54 acres
3.	Kelanli	145/5	-do-	-do-	77.18 acres
4.	Ghiet	145/7	-do-	-do-	58.79 acres
5.	Chhabar	144	-do-	-do-	102.86 acres

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

Simla-2, the 4th March, 1972

No. 2-1371-Rev.I.—In continuation of this Government notification of even number, dated the 23rd December, 1971 and in exercise of the powers vested in him under section 3(c) of the Land Acquisition Act, 1894 (Act No. 1 of 1894) and all the powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to appoint Shri S. S. Negi, Land Acquisition Officer, Mandi and Kulu districts to perform the functions and exercise the powers of Collector under the said Act in respect of acquisition of land for P.W.D., (B. & R.) and the State Electricity Board, Himachal Pradesh, for the areas falling under his jurisdiction from the date he took over the charge of the post of Land Acquisition Officer, Mandi and Kulu.

2. This supersedes this Department notification of even number, dated 23-12-1971.

By order,
V. K. AGNIHOTRI,
Deputy Secretary.

TRANSPORT DEPARTMENT NOTIFICATION

Simla-2, the 13th March, 1972

No. 4-8/69-TPT.—In partial modification of this Department notification of even number, dated the 20th April, 1971 and in continuation of notification of even number, dated the 1st September, 1971, the Governor, Himachal Pradesh is pleased to extend the date for the submission of the report by the High Powered Committee to the Government up to 31st August, 1972.

2. The Governor, Himachal Pradesh is also pleased to nominate the following non-official members instead of the non-official members mentioned in this Department notification of even number, dated the 20th April, 1971:—

NON-OFFICIAL

1. Shri Tapindra Singh, Sunder Niwas, Nahan.
2. Shri Dile Ram Shabab, Village Basherhri, Phati

and Kothi Sharchi, P.O. Gosheni, via Banjar, Tehsil-Seraj, Kulu, Himachal Pradesh.

3. Shri Ranjit Singh, Village and P.O. Hatli, Tehsil Hamirpur, District Kangra, Himachal Pradesh.

By order,
P. K. MATTOO,
Secretary.

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 1st March, 1972

No. 1-1/72-VS.—The following order by the Governor, dated the 1st March, 1972, is published for general

information:—

"I, S. Chakravarti, Governor of the State of Himachal Pradesh in exercise of the powers vested in me by virtue of Article 174 of the Constitution of India do hereby summon the Himachal Pradesh Vidhan Sabha to meet at 10.00 A.M., on Friday, the 10th March, 1972/20th Phalguna, 1893 (Saka) in the Council Chamber, Simla-4.

S. CHAKRAVARTI,
Governor."

B. D. SHARMA,
Secretary.

भाग 2—बंधनिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं

DIRECTORATE OF INDUSTRIES (GEOLOGICAL CELL) AUCTION NOTICE

May Ville, Summer Hill, Simla-5, the 17th March, 1972
No. 5-110/70-Ind (Glg)(MM).—The following minor mineral quarries/river beds of Bilaspur district will be sold by public auction in the office of the Assistant District Industries Officer, Bilaspur on the 4th May, 1972 at 11.00 A.M.

S. No.	Name of quarry/ river bed	Village	Name of minor minerals
1	2	3	4
Tehsil: SADAR			
1.	Jukhala Khad	Jabal	Sand, bajri and stones, etc.
2.	Gambhar Khand	Gambhar	-do-
3.	Gamrohala Khad	Gamrohala	Stones, boulders.
Tehsil: GHUMARWIN			
4.	Seer Khad (Ghumarwin).	Ghumarwin	Stones, boulders and bajri.
Tehsil: SADAR			
5.	Santchan Khad	Santchan and Gualthai.	Sand, bajri, stones and boulders.
Tehsil: GHUMARWIN			
6.	Panoh-Harlog Quarry	Panoh and Harlog.	-do-
7.	Nihari-Bodhaghat Quarry.	Nihari and Bodhaghat.	-do-
8.	Jharlu-Jakatkhana Quarry.	Jharlu-Zakatkhana.	Build. stone.
9.	Gumarpur Quarry	Gumarpur	-do-
Tehsil: SADAR			
10.	Patti Quarry	Patti	Bajri, stone.
11.	Brahmpur Quarry	Brahmpur	-do-
12.	Kirar (Jukhala) Quarry.	Saloa	Bajri and stone boulders.
13.	Panjgain-Bassi Quarry.	Panjgain	B. stones.
Tehsil: GHUMARWIN			
14.	Samoh Quarry	Samoh	-do-

The auction is being made subject to the provisions contained in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, and on the following conditions:—

1. The terms and conditions of the auction will be announced on the spot.
2. The bidders to inspect the quarries before bidding in their own interest.
3. The period of auction for all the quarries shall be three years from the date of grant of contract.
4. The Government reserves the right to reduce or enhance the period of contract.
5. Any person intending to bid shall deposit Rs. 100 with the Presiding Officer, in advance as earnest money.
6. On completion of the auction the result shall be announced and the provisionally selected bidders shall immediately deposit 25% of the amount of bid for one year as security for execution of the lease and due observance of its terms and conditions, and an equal amount as first instalment of royalty. The bid shall not be treated as accepted unless confirmed by the State Government or such other authority who may be authorised by the State Government to grant the lease.
7. The Government reserves the right to accept or reject the highest bid without assigning any reasons.
8. The other information and the details of the area may be obtained from the Assistant District Industries Officer, Bilaspur.
9. Bids shall be offered per annum.

SUBHASH SHARMA,
Geologist.

OFFICE OF THE DISTRICT INDUSTRIES OFFICER KINNAUR DISTRICT, KALPA

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Kalpa, the 7th March, 1972

No. Kin.L(Loan)49-240/63-1801.—WHEREAS a notice was served on Shri Charan Sukh s/o Shri Jeonar, Village Chini, P.O. Kalpa, Tehsil Kalpa, District Kinnaur, Himachal Pradesh on the 24th January, 1972 under section 23 and 27 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964 calling upon the said Shri Charan Sukh s/o Shri Jeonar, to pay this office the sum of Rs. 5,000 (Rupees five thousand) only along with penal interest thereon up-to-date on or before 31st January, 1972 and whereas the said sum has not been paid, I hereby declare

that the sum of Rs. 5,000 (Rupees five thousand) only (balance principal) along with interest and penal interest (up-to-date) will be charged till the date of payment is due from the said Shri Charan Sukh s/o Shri Jeonar and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

1. Land measuring 23 bighas 10 biswas amounting to Rs. 4,625 comprises in Khasra Nos. 79, 24, 25, 94, 1904/1471, 1905/1471, 465, 466, 787, 808, 95, 135, 153, 758, 1470, 1473, 1707/83 and 750/1 (House)..

2. House double storeyed consisting of five rooms standing on land comprising Khasra No. 750/1 measuring 0-2 biswas situated at village Chini, Tehsil Kalpa, District Kinnaur, Himachal Pradesh owned by Shri Charan Sukh s/o Shri Jeonar. The house is estimated at Rs. 12,000.

Sd/-

District Industries Officer.

OFFICE OF THE DEPUTY COMMISSIONER KINNAUR DISTRICT, KALPA

OFFICE ORDER

Kalpa, the 4th March, 1972

No. GB-69-2261.—In pursuance of Himachal Pradesh Government notification No. 16-17/71-GA-A, dated the 26th November, 1971 the following local holidays are hereby declared to be observed in the subordinate and attached Offices in Kinnaur District during the calendar year, 1972 at the District Headquarters, Sub-Division, Tehsils and sub-Tehsils on account of important fairs and festivals:

Holidays	Dates on which these fall	Day of the week
1	2	3

DISTRICT HEADQUARTER

TEHSIL KALPA, SUB-DIVISION KALPA

1. Kashmir Fair	21-8-1972	Monday
2. Kalpa Fuliach	20-10-1972	Friday

TEHSIL SANGLA, SUB-DIVISION KALPA

1. Sangla Fuliach Fair	5-9-1972	Tuesday
2. Local Dewali	6-12-1972	Wednesday

TEHSIL NICHAR, SUB-DIVISION NICHAR

1. Dakhlening fair Nichar	17-7-1972	Monday
2. Fuliach fair Nichar	7-10-1972	Saturday

TEHSIL POOH, SUB-DIVISION POOH

1. Fuliach Fair PooH	5-9-1972	Tuesday
2. Shingri Fair	20-10-1972	Friday

TEHSIL MOORANG, SUB-DIVISION POOH

1. Fuliach Fair Moorang	18-9-1972	Monday
2. -do-	19-9-1972	Tuesday

SUB-TEHSIL HANGRANG, SUB-DIVISION POOH

1. Namgan Fair	2-9-1972	Saturday
2. Losar Fair	23-12-1972	Saturday

Sd/-

Deputy Commissioner.

OFFICE OF THE SUB-DIVISIONAL OFFICER (CIVIL) NURPUR-CUM-LAND ACQUISITION COLLECTOR, NURPUR (KANGRA) HIMACHAL PRADESH

CORRIGENDUM

Nurpur, the 25th February, 1972

No. 432/R/SDN.—In partial modification of this office draft Form 'J' notification of even number, dated 11-12-1971, para 2 of the Schedule, may please be read as under:—

"Provincial Government land comprised in Khasra No. 1214/347/2, measuring 0-2 Mls. situated in village Damtal, Tehsil Nurpur, considered to be deleted from 'J' notification."

Sd/-

S.D.O. (Civil)-cum-Land Acquisition Collector,
Nurpur.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Whereas the Governor, Himachal Pradesh is satisfied that the land is required to be taken by the Government at public expense for a public purpose*, it is hereby declared that the land described in the specification below is required for the said* purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector of the Land Acquisition Himachal Pradesh Public Works Department, District Mahasu, Simla-9.

No. SE-II-R-54/XVI-22711-15 Simla-3, the 8th March, 1972.

*Construction of Sawara-Mandle road

SPECIFICATION

District: MAHASU Tehsil: JUBBAL

Village	Khasra No.	Area Big. Bis.	
1	2	3	4
SHILGAON	166/1	0	4
	755/1	0	12
	756/1	0	4
	155/1	1	2
	1432/792/1	0	5
Total		2	7

No. SE-II-R-54/XVI-22706-10 Simla-3, the 8th March, 1972

*Construction of Ganasidhar-Tikkar road

Tehsil: ROHRU

BATARA	255/1/1	0	5
	1/1	15	15
Total		16	0

1	2	3	4
No. SE-II-R-54/XVI-227/16-20.			
	Simla-3, the 8th March, 1972.		
	*Construction of Odli-Khaneti-Kotgarh-Barha road.		
BANOT	169/80/1	0	7

No. SE-II-R-54/XVI-22701-5.			
	Simla-3, the 8th March, 1972.		
MAHORI	50/1	0	18
	272/122/1	0	7
Total		1	5

No. SE-II-R-54/XVI-22721-25.			
	Simla-3, the 8th March, 1972.		
SHILLI	193/1	0	9

M. L. BANSAL,
Superintending Engineer,
2nd Circle, H.P.P.W.D., Simla-3.

Whereas it appears to the Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose.* It is hereby declared that the land described in the specification below is required for the said* purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh P.W.D., Solan.

No. SE-III-G(R)61-2/70-71-5501-4.
Solan, the 23rd February, 1972.

*Construction of Jagadhari-Paonta-Rajban-Rohru road.

SPECIFICATION

District: SIRMUR Tehsil: RENUKA

Village	Khasra No.	Area
1	2	Big. Bis. 3 4
KOTI	1068/1	0 3
	1097/1/1	0 1
	1098/1	0 4
	1100/1	0 4
	1069/1	0 15
	1067/1	0 1
	1010/1/1	7 5
	1015/1	21 17
	1111/1	0 5

1	2	3	4
	1115/2	0	12
	1043/2	5	18
	1011/1	0	14
	1009/2	2	19
	1026/1	2	0
	1027/1	10	8
	1044/1	6	6
	1019/2	1	8
	1070/4	0	5
	1070/2	1	5
	1097/2/1	1	11
	977/1/1	0	5
	1096/2/1	0	6
	1116/1	0	7
	1010/1	38	8
	977/2	11	14
	1027/4	11	18
	976/1	0	10
	1099	0	11
Total		128	1

No. SE-III-G(R)62-5/70-71-5505-8.

Solan, the 23rd February, 1972.

*Construction of Rest House at Ambota

KHARKAN	400/1	2	16
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Solan, the 23rd February, 1972

No. SE-III-G(R)61-11/70-71-5497-5500.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Narag-Ochghat road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, 1894, the Collector, Land Acquisition, Himachal Pradesh P.W.D., is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Solan.

SPECIFICATION

District: SIMLA Tehsil: KANDAGHAT

Village	Khasra No.	Area
		Big. Bis. 3 4
DHAMRAN	2/1	0 15
	18/1	0 4
	3/1	0 6
	4/1	1 13
	5/1	3 16
Total		6 14

S. P. KAPOOR,
Superintending Engineer,
3rd Circle, H. P. P. W. D., Solan.

Kulu, the 28th February, 1972

No. SE.VILLA-3/Gi-3458-61. Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at its own expense for a public purpose, namely for Kulu-Manali Left Bank road (at Jagatsukh), it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection, in writing before the Collector of Himachal Pradesh P.W.D., Mandi and Kulu districts at Mandi.

SPECIFICATION

District: KULU

Tehsil: KULU

Village	Khasra No.	Area Big. Bis. Bisw.
JAGAT SUKH	2317/1	0 0 8

K. C. SHANDIL,
Superintending Engineer,
6th Circle, H. P. P. W. D., Kulu.

भाग 3—अधिनियम, विधेयक और विधेयकों पर ध्वर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ़

इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

EXCISE AND TAXATION DEPARTMENT NOTIFICATIONS

Simla-4, the 8th March, 1972

No. 7-56/71-E&T-Vol.-II. In exercise of the powers conferred by section 59 of the Punjab Excise Act (I of 1914), as in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and by virtue of the powers of the Financial Commissioner under section 9 of the said Act, read with the Punjab Excise Powers and Appeal Orders, 1956, I, P. T. Wangdi, I.A.S., Excise and Taxation Commissioner, Himachal Pradesh, hereby direct that the following amendments shall be made in the Punjab Liquor Licence Rules, 1956, as in force in the said territories, with effect from 1st April, 1972:—

AMENDMENTS

In the said Rules:—

(1) Sub-clauses (i) and (ii) of Rule 5.27 (1) shall be substituted as under:—

"(i) Rs. 200.00 per annum for a licence for one year to possess a quantity not exceeding 2,000 Bulk Litres of Denatured Spirit at one time

(ii) Rs. 500.00 per annum for a licence for one year to possess a quantity exceeding 2,000 Bulk Litres of Denatured Spirit at one time."

(2) In Rule 5.31, the rates of assessed fee for L-12-C licences shall be substituted as under:—

"RATE OF ASSESSMENT OF VEND FEE FOR BULK LITRE

Name of licence	Spirit	Wine	Beer	Cider	etc.
	Import- ed.	Indian made		Import- ed.	Indian made
L-12-C	Rs. 40.00	Rs. 15.00	Rs. 5.00	Rs. 1.00	Rs. 0.40"

(3) The words "one-twelfth" and "1/12th" wherever occurring in sub-rule (23) of Rule 5.36 shall be substituted by the words "one-tenth" and "1/10th", respectively.

(4) In sub-rule (9) of Rule 5.37, the words beginning

with "(9) conditions dealing with Licensed hours" and ending with the words "preceding such polling day", shall be substituted as under:—

"(9) Conditions dealing with licensed hours.—Every licensee for the sale of liquor shall keep his shop closed on all Tuesdays up to 2.00 P.M., Independence Day (15th August), Acharya Vinobhaji's Birthday (11th September), Mahatma Gandhi's Birthday (2nd October) and Republic Day (26th January), in addition to Id-ul-fiter, Ram Naumi, Mahavir Jayanti, Budh Jayanti, Janam Ashtami and Guru Nanak Dev's Birthday. Such a licensee shall also keep his vend shop closed on the pay day viz., 1st of every month and polling day, as fixed by the appropriate authority, for Parliamentary or Assembly Constituency in which his vend shop is situated, together with two days preceding such polling day".

Simla-2, the 8th March, 1972

No. 7-56/71-E&T-Vol.-II.—In exercise of the powers conferred by section 59 of the Punjab Excise Act (I of 1914) as applied to the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and by virtue of the powers of the Financial Commissioner under section 9 of the said Act, read with the Himachal Pradesh Excise Powers and Appeal Orders, 1965, I, P. T. Wangdi, I.A.S., Excise and Taxation Commissioner, Himachal Pradesh, hereby direct that the following amendments shall be made in the Punjab Liquor Licence Rules, 1956 as applied to the said areas of Himachal Pradesh, with effect from 1st April, 1972:—

AMENDMENTS

In the said Rules

(1) Sub-clauses (i) and (ii) of Rule 5.27-A(1) shall be substituted as under:—

"(i) Rs. 200.00 per annum for a licence for one year to possess a quantity not exceeding 2,000 Bulk Litres of Denatured Spirit at one time.

(ii) Rs. 500.00 per annum for a licence for one year to possess a quantity exceeding 2,000 Bulk Litres of

Denatured Spirit at one time."

(2) In Rule 5.31 the rates of assessed fee for L-12-C, licences shall be substituted as under:—

"RATE OF ASSESSMENT OF VEND FEE PER BULK LITRE"

Name of licence	Spirit	Wine	Beer,	Cider	etc.
	Imported	Indian made	Imported	Indian made	
L-12-C	Rs. 40.00	Rs. 15.00	Rs. 5.00	Rs. 1.00	Rs. 0.40

(3) The words "one-twelfth" and "1/12th" and wherever occurring in sub-rule (21) of Rule 5.38 shall be substituted by the words "one-tenth" and "1/10th", respectively.

(4) In sub-rule (10) of Rule 5.39, the words beginning with "(10), conditions dealing with licensed hours" and ending with the words "preceeding such polling day" shall be substituted as under:—

"(10) *Conditions dealing with licensed hours.*—Every licensee for the sale of liquor shall keep his shop closed on all Tuesdays up to 2.00 P.M., Independence Day (15 August), Acharya Vinobhaji's Birthday (11th September), Mahatama Gandhi's Birthday (2nd October) and Republic Day (26th January), in addition to Id-ul-fiter, Ram Naumi, Mahavir Jayanti, Budh Jayanti, Janam Ashtami and Guru. Nanak Dev's Birthday. Such a licensee shall also keep his vend shop closed on the pay day viz., 1st of every month and polling day, as fixed the appropriate authority, for Parliamentary or Assembly Constituency in which his vend shop is situated, together with two days preceding such polling day".

P. T. WANGDI,

Excise and Taxation Commissioner.

**PERSONNEL DEPARTMENT
(SECRETARIAT ADMINISTRATION SERVICES)
NOTIFICATION**

Simla-2, the 3rd March, 1972

No. SAS. 1-717/58.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this

behalf, the Governor of Himachal Pradesh is pleased to make the following amendment to the Himachal Pradesh Secretariat Class IV Service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1961, published under Secretariat Administration Department notification No. SAD. 1-717/58, dated the 5th January, 1962.

AMENDMENT

After rule 15 of the Himachal Pradesh Secretariat Class IV Service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1961, the following rule shall be inserted and shall be deemed always to have been inserted:—

"16. Where the Government is of the opinion that it is necessary or expedient so to do it may by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any, class or category of persons."

By order,

K. N. CHANNA,
Chief Secretary.

**VIDHAN SABHA SECRETARIAT
NOTIFICATION**

Simla-4, the 18th March, 1972

No. 3-6/71-VS.—In exercise of the powers conferred by Section 7 read with section 6 (1) (a) of the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971, the Speaker, Himachal Pradesh Legislative Assembly is pleased to issue the following amendment to the Himachal Pradesh Legislative Assembly Members (Free Transit by Railway) Rules, 1971.

AMENDMENT

In sub-rule (3) of rule 9, the following shall be substituted.

"(3) The coupons issued under this rule shall be valid for a period of one year reckoned from the 1st of June to the 31st of May the following year."

By order,

Under Secretary.

भाग 4—स्थानीय स्वायत्त शासन: पञ्चायत बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

**PANCHAYATI RAJ DEPARTMENT
ORDER**

Simla-4, the 11th February, 1972

No. 3-G78/69-Panch. (C).—Whereas Shri Kanshi Ram, Pradhan, Gram Panchayat, Sandhu (Theog) is being tried in a court of law for an offence under section 379, Indian Penal Code;

And whereas the offence for which Shri Kanshi Ram is being tried involves moral turpitude, a misconduct for which he can be removed from the office of Pradhan in accordance with the provision of the Himachal Pradesh Panchayati Raj Act, 1968;

And whereas the said Shri Kanshi Ram was asked, vide notice No. 3-G78/69-Panch.(C), dated the 16th December, 1971, to show cause, within 20 days, as to why he should not be placed under suspension under the provisions of section 54 of the Himachal Pradesh Panchayati Raj Act, 1968, and he has failed to reply to the notice

within the stipulated period;

Now, therefore, the Government, having considered all the circumstances of the case, hereby place the said Shri Kanshi Ram under suspension with immediate effect under the provisions of section 54 of the Himachal Pradesh Panchayati Raj Act, 1968 and order that he shall hand over the complete charge of the office of Pradhan to the Up-Pradhan and shall not take part in any act or proceeding of the Gram Panchayat, Sandhu, Tehsil Theog, District Mahasu.

CORRIGENDUM

Simla-4, the 10th March, 1972

No. 1-10/70-Pnt.Sectt.—Please substitute "Rs. 350-25-500-30-590/30-800" for "Rs. 300-25-500-30-590/30-800" appearing in the last line of this Department's order of even number, dated the 8th December, 1971.

K. C. PANDEYA,
Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन**STATE BANK OF PATIALA**

• NOTICE

Patiala, 1st March, 1972/11th Phalgun, 1893 (Saka)

SBOP. 65.—The following transfers and changes in the postings of Bank's Supervising Staff are hereby notified:

1. Shri Tarlochan Singh, Officer Grade II officiated as Manager, Palampur branch as from the close of business on 13th January, 1972 to the commencement of business on 27th January, 1972 vice Shri M. K. Mahajan, Officer Grade I.

S. D. GANDA,
General Manager.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

(देखिये पृष्ठ 301—341)

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART VI

LAW DEPARTMENT
NOTIFICATION

Simla-2, the 16th May, 1970

No. 12-22/70-LR.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, are hereby republished in the Himachal Pradesh Rajpatra for the information of general public:—

1. The Union Duties of Excise (Distribution) Amendment Act, 1970 (2 of 1970).
2. The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1970 (3 of 1970).
3. The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
4. The Press Council (Amendment) Act, 1970 (6 of 1970).
5. The Essential Commodities (Amendment) Continuance Act, 1970 (14 of 1970).
6. The Haryana and Punjab Agricultural Universities Act, 1970 (16 of 1970).

JOSEPH DINA NATH,
Under Secretary (Judicial).

Assented to on 22nd March, 1970

THE UNION DUTIES OF EXCISE (DISTRIBUTION)
AMENDMENT ACT, 1970
(ACT NO. 2 OF 1970)

AN
ACT

further to amend the Union Duties of Excise (Distribution) Act, 1962..

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Union Duties of Excise (Distribution) Amendment Act, 1970.
2. *Amendment of long title.*—In the long title of the Union Duties of Excise (Distribution) Act, 1962 (3 of 1962) (hereinafter referred to as the principal Act), for the words, figures and letters "dated the 12th day of August, 1965" the words, figures and letters "dated the 31st day of July, 1969" shall be substituted.
3. *Substitution of new section for section 2.*—For section 2 of the principal Act, the following section shall be substituted, namely:—
"2. *Definitions.*—In this Act, the expression "distributable Union duties of excise" means twenty per cent of the net proceeds of the duties of excise levied and collected under the Central Excises and Salt Act, 1944 (1 of 1944), and of the duties of excise levied and collected under the Mineral Products (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958), and includes, in respect of the financial years, 1972-73 and 1973-74, twenty per cent of the special duties of excise levied and collected under the Finance Acts of the respective years."
4. *Substitution of new section for section 3.*—For section 3 of the principal Act and the provisos thereto, the following section shall be substituted, namely:—
"3. *Distribution of a part of Union duties of excise among the States.*—During each financial year commencing on and after the 1st day of

April, 1969, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2:—

TABLE

1 State	2 Percentage
Andhra Pradesh	7.15
Assam	2.51
Bihar	13.81
Gujarat	4.17
Haryana	1.49
Jammu and Kashmir	1.12
Kerala	4.28
Madhya Pradesh	8.48
Maharashtra	7.93
Mysore	4.65
Nagaland	0.08
Orissa	4.72
Punjab	2.17
Rajasthan	5.28
Tamil Nadu	6.50
Uttar Pradesh	18.82
West Bengal	6.84."

Assented to on 22nd March, 1970

THE ADDITIONAL DUTIES OF EXCISE (GOODS
OF SPECIAL IMPORTANCE) AMENDMENT
ACT, 1970

(ACT NO. 3 OF 1970)

AN
ACT

further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1970.
(2) It shall be deemed to have come into force on the 1st day of April, 1969.
2. *Amendment of long title.*—In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (32 of 1957) (hereinafter referred to as the principal Act), in the long title, for the figures, letters and words "12th day of August, 1965", the figures, letters and words "31st day of July, 1969" shall be substituted.
2. *Amendment of second schedule.*—In the Second Schedule to the principal Act,—
(a) in paragraph 1, the words "silk fabrics," shall be omitted;
(b) in paragraph 2,—
(i) for the figures "1966", the figures "1969" shall be substituted;
(ii) in clause (a), for the figures "1.5", the figures "0.81" shall be substituted;
(iii) in clause (b), for the figures "0.05", the figures "0.09" shall be substituted;
(iv) in clause (c), in sub-clause (ii), for the figures "97.45", the figures "97.03" shall be substituted;

(v) in the first proviso for the words "silk fabrics, woollen fabrics and rayon or artificial silk fabrics", the words "woollen fabrics, rayon or artificial silk fabrics or one or more of them" shall be substituted;

(vi) the provisos below the Table shall be omitted;

(vii) for the Table, the following Table shall be substituted, namely:—

TABLE

State	Rupees in lakhs	Percentage
1	2	3
Andhra Pradesh	235.24	8.13
Assam	85.08	2.47
Bihar	130.16	8.40
Gujarat	323.45	6.33
Haryana	65.49	1.70
Kerala	95.08	4.84
Madhya Pradesh	155.17	6.34
Maharashtra	637.77	13.89
Mysore	100.10	6.00
Orissa	85.10	3.13
Punjab	96.07	2.98
Rajasthan	90.10	4.42
Tamil Nadu	285.34	9.63
Uttar Pradesh	575.81	12.99
West Bengal	280.41	8.75

Assented to on 31st March, 1970.

THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970 (ACT NO. 5 OF 1970)

AN ACT

to provide for the acquisition and transfer of the undertakings of certain banking companies, having regard to their size, resources, coverage and organisation, in order to control the heights of the economy and to meet progressively, and more better, the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto.

Enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. *Short title and commencement.* (1) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

(2) The provisions of this Act (except section 21, which shall come into force on the appointed day) shall be deemed to have come into force on the 19th day of July, 1969.

2. *Definitions.* In this Act, unless the context otherwise requires,

(a) "appointed day" means the 14th day of February, 1970, being the day on which the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970 (3 of 1970), was promulgated;

(b) "banking company" does not include a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956);

(c) "commencement of this Act" means the 19th day of July, 1969;

(d) "corresponding new bank", in relation to an existing bank, means the body corporate specified against such bank in column 2 of the First Schedule;

(e) "Custodian" means the person who becomes, or is appointed, a Custodian under section 7;

(f) "existing bank" means a banking company specified in column 1 of the First Schedule, being a company the deposits of which, as shown in the return as on the last Friday of June, 1969, furnished to the Reserve Bank under section 27 of the Banking Regulation Act, 1949 (10 of 1949) were not less than rupees fifty crores;

(g) "Schedule" means a Schedule to this Act;

(h) words and expressions used herein and not defined but defined in the Banking Regulation Act, 1949, (10 of 1949) have the meanings respectively assigned to them in that Act:

CHAPTER II

TRANSFER OF THE UNDERTAKINGS OF EXISTING BANKS

3. *Establishment of corresponding new banks and business thereof.*—(1) On the commencement of this Act, there shall be constituted such corresponding new banks as are specified in the First Schedule.

(2) The paid-up capital of every corresponding new bank constituted under sub-section (1) shall, until any provision is made in this behalf in any scheme made under section 9, be equal to the paid-up capital of the existing bank in relation to which it is the corresponding new bank.

(3) The entire capital of each corresponding new bank shall stand vested in, and allotted to, the Central Government.

(4) Every corresponding new bank shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract and may sue and be sued in its name.

(5) Every corresponding new bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (10 of 1949) and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act.

(6) Every corresponding new bank shall establish a reserve fund to which shall be transferred the share premiums and the balance, if any, standing to the credit of the reserve fund of the existing bank in relation to which it is the corresponding new bank, and such further sums, if any, as may be transferred in accordance with the provisions of section 17 of the Banking Regulation Act, 1949 (10 of 1949).

4. *Undertaking of existing banks to vest in corresponding new banks.*—On the recommencement of this Act, the undertaking of every existing bank shall be transferred to, and shall vest in, the corresponding new bank.

5. *General effect of vesting.*—(1) The undertakings of each existing bank shall be deemed to include all assets rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the existing bank in relation to the undertaking, whether within or without India, and all

books of accounts, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the existing bank in relation to the undertaking.

(2) If, according to the laws of any country outside India, the provisions of this Act by themselves are not effective to transfer or vest any asset or liability situated in that country which forms part of the undertaking of an existing bank to, or in, the corresponding new bank, the affairs of the existing bank in relation to such asset or liability shall, on and from the commencement of this Act, stand entrusted to the chief executive officer for the time being of the corresponding new bank, and the chief executive officer may exercise all powers and do all such acts and things as may be exercised or done by the existing bank for the purpose of effectively transferring such assets and discharging such liabilities.

(3) The chief executive officer of the corresponding new bank shall, in exercise of the powers conferred on him by sub-section (2), take all such steps as may be required by the laws of any such country outside India for the purpose of effecting such transfer or vesting, and may either himself or through any person authorised by him in this behalf realise any asset and discharge any liability of the existing bank.

(4) Unless otherwise expressly provided by this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the commencement of this Act and to which the existing bank is a party or which are in favour of the existing bank shall be of as full force and effect against or in favour of the corresponding new bank, and may be enforced or acted upon as fully and effectually as if in the place of the existing bank the corresponding new bank had been a party thereto or as if they had been issued in favour of the corresponding new bank.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertaking which has been transferred under section 4, is pending by or against the existing bank, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the existing bank or of anything contained in this Act but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the corresponding new bank.

(6) Nothing in this Act shall be construed as applying to the assets, rights, powers, authorities and privileges and property, movable and immovable, cash balances and investments in any country outside India (and other rights and interests in, or arising out of, such property) and borrowings, liabilities and obligations of whatever kind subsisting at the commencement of this Act, of any existing bank operating in that country if, under the laws in force in that country, it is not permissible for a banking company, owned or controlled by Government, to carry on the business of banking there.

CHAPTER III

PAYMENT OF COMPENSATION

6. *Payment of compensation.*—(1) Every existing bank shall be given by the Central Government such compensation in respect of the transfer, under section 4, to the corresponding new bank of the undertaking of the existing bank as is specified against each such bank in the Second Schedule.

(2) The amount of compensation referred to in sub-section (1) shall be given to every existing bank, at its

option,—

- (a) in cash (to be paid by cheque drawn on the Reserve Bank) in three equal annual instalments, the amount of each instalment carrying interest at the rate of four per cent per annum from the commencement of this Act, or
- (b) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government issued and repayable at par, and maturing at the end of—
 - (i) ten years from the commencement of this Act and carrying interest from such commencement at the rate of four and a half per cent per annum, or
 - (ii) thirty years from the commencement of this Act and carrying interest from such commencement at the rate of five and a half per cent per annum, or
- (c) partly in cash (to be paid by cheque drawn on the Reserve Bank) and partly in such number of securities specified in sub-clause (i) or sub-clause (ii), or both, of clause (b), as may be required by the existing bank, or
- (d) partly in such number of securities specified in sub-clause (i) of clause (b) and partly in such number of securities specified in sub-clause (ii) of that clause, as may be required by the existing bank.

(3) The first of the three equal annual instalments referred to in clause (a) of sub-section (2) shall be paid, and the securities referred to in clause (b) of that sub-section shall be issued, within sixty days from the date of receipt by the Central Government of the option referred to in that sub-section, or where no such option has been exercised, from the latest date before which such option ought to have been exercised.

(4) The option referred to in sub-section (2) shall be exercised by every existing bank before the expiry of a period of three months from the appointed day (or within such further time, not exceeding three months, as the Central Government may, on the application of the existing bank; allow) and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(5) Any existing bank which omits or fails to exercise the option referred to in sub-section (2), within the time specified in sub-section (4), shall be deemed to have opted for payment in securities specified in sub-clause (i) of clause (b) of sub-section (2).

(6) Notwithstanding anything contained in this section, any existing bank may, before the expiry of three months from the appointed day (or within such further time, not exceeding three months, as the Central Government may, on the application of the existing bank, allow) make an application in writing to the Central Government for an interim payment of an amount equal to seventy-five per cent of the amount of the paid-up capital of such bank, as on the commencement of this Act, indicating therein whether the payment is desired in cash or in securities specified in sub-section (2), or in both.

(7) The Central Government shall, within sixty days from the receipt of the application referred to in sub-section (6), make the interim payment to the existing bank in accordance with the option indicated in such application.

(8) The interim payment made to an existing bank under sub-section (7) shall be set off against the total amount of compensation payable to such existing bank under this Act and the balance of the compensation remaining outstanding after such payment shall be given

to the existing bank in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be:

Provided that where any part of the interim payment is obtained by an existing bank in cash, the payment so obtained shall be set off, in the first instance, against the first instalment of the cash payment referred to in sub-section (2), and in case the payment so obtained exceeds the amount of the first instalment, the excess amount shall be adjusted against the second instalment and the balance of such excess amount, if any, against the third instalment of the cash payment.

(9) Any payment purported to have been made to an existing bank under sub-section (3) of section 15 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 (22 of 1969), shall be deducted by the Central Government from the amount of the interim payment made to such existing bank under sub-section (7), or where no such interim payment has been made, from the total amount of the compensation due to such existing bank and the amount so deducted shall be paid by the Central Government to the corresponding new bank.

CHAPTER IV

MANAGEMENT OF CORRESPONDING NEW BANKS

7. *Head office and management.*—(1) The head office of each corresponding new bank shall be at such place as the Central Government may, by notification in the Official Gazette, specify in this behalf, and, until any such place is so specified, shall be at such place at which the head office of the existing bank, in relation to which it is the corresponding new bank, is on the commencement of this Act, located.

(2) The general superintendence, direction and management of the affairs and business of a corresponding new bank shall vest in a Board of Directors which shall be entitled to exercise all such powers and do all such acts and things as the corresponding new bank is authorised to exercise and do.

(3) (a) As soon as may be after the appointed day, the Central Government shall, in consultation with the Reserve Bank, constitute the first Board of Directors of a corresponding new bank, consisting of not more than seven persons, to be appointed by the Central Government, and every director so appointed shall hold office until the Board of Directors of such corresponding new bank is constituted in accordance with the scheme made under section 9:

Provided that the Central Government may, if it is of opinion that it is necessary in the interests of the corresponding new bank so to do, remove a person from the membership of the first Board of Directors and appoint any other person in his place.

(b) Every member of the first Board of Directors (not being an officer of the Central Government or of the Reserve Bank) shall receive such remuneration as is equal to the remuneration which a member of the Board of Directors of the existing bank was entitled to receive immediately before the commencement of this Act.

(4) Until the first Board of Directors is appointed by the Central Government under sub-section (3), the general superintendence, direction and management of the affairs and business of a corresponding new bank shall vest in a Custodian, who shall be the chief executive officer of that bank and may exercise all powers and do all acts and things as may be exercised or done by that bank.

(5) The Chairman of an existing bank holding office as such immediately before the commencement of this Act,

shall be the Custodian of the corresponding new bank and shall receive the same emoluments as he was receiving immediately before such commencement:

Provided that the Central Government may, if the Chairman of an existing bank declines to become, or to continue to function as, a Custodian of the corresponding new bank, or, if it is of opinion that it is necessary in the interests of the corresponding new bank so to do, appoint any other person as the Custodian of a corresponding new bank and the Custodian so appointed shall receive such emoluments as the Central Government may specify in this behalf.

(6) The Custodian shall hold office during the pleasure of the Central Government.

8. *Corresponding new banks to be guided by the directions of the Central Government.*—Every corresponding new bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Governor of the Reserve Bank, give.

9. *Power of Central Government to make scheme.*—(1) The Central Government may, after consultation with the Reserve Bank, make a scheme for carrying out the provisions of this Act:

(2) In particular, and without prejudice to the generality of the foregoing power, the said scheme may provide for all or any of the following matters, namely:—

(a) the capital structure of the corresponding new bank, so however that the paid-up capital of any such bank shall not be in excess of rupees fifteen crores;

(b) the constitution of the Board of Directors, by whatever name called, of the corresponding new bank and all such matters in connection therewith or incidental thereto as the Central Government may consider to be necessary or expedient;

(c) the reconstitution of any corresponding new bank into two or more corporations, the amalgamation of any corresponding new bank with any other corresponding new bank or with another banking institution, the transfer of the whole or any part of the undertaking of a corresponding new bank to any other banking institution or the transfer of the whole or any part of the undertaking of any other banking institution to a corresponding new bank;

(d) such incidental, consequential and supplemental matters as may be necessary to carry out the provisions of this Act.

(3) Every Board of Directors of a corresponding new bank, constituted under any scheme made under sub-section (1), shall include—

(a) representatives of the employees, and of depositors, of such bank, and

(ii) such other persons as may represent the interests of each of the following categories, namely, farmers, workers and artisans,

to be elected or nominated in such manner as may be specified in the scheme.

(4) The Central Government may, after consultation with the Reserve Bank, make a scheme to amend or vary any scheme made under sub-section (1).

(5) Every scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the scheme or both

Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

CHAPTER V

MISCELLANEOUS

10. *Closure of accounts and disposal of profits.*—(1) Every corresponding new bank shall cause its books to be closed and balanced on the 31st day of December of each year and shall appoint, with the previous approval of the Reserve Bank, auditors for the audit of its accounts.

(2) Every auditor of a corresponding new bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956 (1 of 1956), and shall receive such remuneration as the Reserve Bank may fix in consultation with the Central Government.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account and a list of all books kept by the corresponding new bank, and it shall be the duty of the auditor to examine the balance-sheet and profit and loss account with the accounts and vouchers relating thereto, and in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the corresponding new bank,

(b) may, at the expense of the corresponding new bank, employ accountants or other persons to assist him in investigating such accounts, and

(c) may, in relation to such accounts, examine the Custodian or any officer or employee of the corresponding new bank.

(4) Every auditor of a corresponding new bank shall make a report to the Central Government upon the annual balance-sheet and accounts and in every such report shall state—

(a) whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all the necessary particulars and is properly drawn up so as to exhibit a true and fair view of the affairs of the corresponding new bank, and in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not the transactions of the corresponding new bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not the returns received from the offices and branches of the corresponding new bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such account; and

(e) any other matter which he considers should be brought to the notice of the Central Government.

(5) The report of the auditor shall be verified, signed and transmitted to the Central Government.

(6) The auditor shall also forward a copy of the audit report to the corresponding new bank and to the Reserve Bank.

(7) After making provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is necessary under any law, or which are usually

provided for by banking companies, a corresponding new bank shall transfer the balance of profits to the Central Government.

(8) The Central Government shall cause every auditor's report and report on the working and activities of each corresponding new bank to be laid for not less than thirty days before each House of Parliament as soon as may be after each such report is received by the Central Government.

11. *Corresponding new bank deemed to be an Indian company.*—For the purposes of the Income-tax Act, 1961 (43 of 1961), every corresponding new bank shall be deemed to be an Indian company and a company in which the public are substantially interested.

12. *Removal of Chairman from office.*—(1) Every person holding office, immediately before the commencement of this Act, as Chairman of an existing bank shall, if he becomes Custodian of the corresponding new bank, be deemed, on such commencement to have vacated office as such Chairman.

(2) Save as otherwise provided in sub-section (1), every officer or other employee of an existing bank shall become, on the commencement of this Act, an officer or other employee, as the case may be, of the corresponding new bank and shall hold his office or service in that bank on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the undertaking of the existing bank had not been transferred to and vested in the corresponding new bank and continue to do so unless and until his employment in the corresponding new bank is terminated or until his remuneration, terms or conditions are duly altered by the corresponding new bank.

(3) For the persons who immediately before the commencement of this Act were the trustees for any pension, provident, gratuity or other like fund constituted for the officers or other employees of an existing bank, there shall be substituted as trustees such persons as the Central Government may, by general or special order, specify.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee from an existing bank to a corresponding new bank shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. *Obligations as to fidelity and secrecy.*—(1) Every corresponding new bank shall observe, except as otherwise required by law, the practices and usages customary among bankers, and, in particular, it shall not divulge any information relating to or to the affairs of its constituents except in circumstances in which it is, in accordance with law or practices and usages customary among bankers, necessary or appropriate for the corresponding new bank to divulge such information.

(2) Every director, member of a local board or a committee, or auditor, adviser, officer or other employee of a corresponding new bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

(3) Every Custodian of a corresponding new bank shall, as soon as possible, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

14. *Custodian to be public servant.*—Every Custodian of a corresponding new bank shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code (45 of 1860).

15. Certain defects not to invalidate acts or proceedings. (1) All acts done by the Custodian, acting in good faith, shall, notwithstanding any defect in his appointment or in the procedure, be valid.

(2) No act or proceeding of any Board of Directors or a local board or committee of a corresponding new bank shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such board or committee as the case may be.

(3) All acts done by a person acting in good faith as a director or member of a local board or committee of a corresponding new bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or that he was not entitled by virtue of any provision contained in any law then in force.

Provided that nothing in this section shall be deemed to validate any act by a director or member of a local board or committee of a corresponding new bank after his appointment has been shown to the corresponding new bank to be invalid or to have terminated.

16. Indemnity. (1) Every Custodian of a corresponding new bank and every officer of the Central Government or of the Reserve Bank and every officer or other employee of a corresponding new bank shall be indemnified by such bank against all losses and expenses incurred by him in or in relation to the discharge of his duties except such as have been caused by his own wilful act or default.

(2) A director or member of a local board or committee of a corresponding new bank shall not be responsible for any loss or damage caused to such bank by the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the corresponding new bank or by the insolvency or wrongful act of any customer or debtor, or by anything done in or in relation to the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to an actual act or default on the part of such director or member.

17. References to existing banks on and from the commencement of this Act. Any reference to any existing bank in any law, other than this Act, or in any contract or other instrument shall, in so far as it relates to the undertaking which has been transferred by section 4, be construed as a reference to the corresponding new bank.

18. Dissolution.—No provision of law relating to winding up of corporations shall apply to a corresponding new bank and no corresponding new bank shall be placed in liquidation save by order of the Central Government and in such manner as it may direct.

19. Power to make regulations.—(1) The Board of Directors of a corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, make regulations, not inconsistent with the provisions of this Act or any scheme made thereunder, to provide for all matters for which provision is expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the regulations may provide for all or any of the following matters, namely:—

(a) the powers, functions and duties of local boards and restrictions, conditions or limitations, if any, subject to which they may be exercised or performed, the formation and constitution of local committees and committees of local board (including the number of members of any such committee), the powers, functions and duties of such committees, the holding of meetings of local

committees and committees of local boards and the conduct of business thereat;

(b) the manner in which the business of the local boards shall be transacted and the procedure in connection therewith;

(c) the delegation of powers and functions of the board of directors of a corresponding new bank to the general manager, director, officer or other employee of that bank;

(d) the conditions or limitations subject to which the corresponding new bank may appoint advisers, officers or other employees and fix their remuneration and other terms and conditions of service;

(e) the duties and conduct of advisers, officers or other employees of the corresponding new bank;

(f) the establishment and maintenance of superannuation, pension, provident or other funds for the benefit of officers or other employees of the corresponding new bank or of the dependants of such officers or other employees and the granting of superannuation allowances, annuities and pensions payable out of such funds;

(g) the conduct and defence of legal proceedings by or against the corresponding new bank and the manner of signing pleadings;

(h) the provision of a seal for the corresponding new bank and the manner and effect of its use;

(i) the form and manner in which contracts binding on the corresponding new bank may be executed;

(j) the conditions and the requirements subject to which loans or advances may be made or bills may be discounted or purchased by the corresponding new bank;

(k) the persons or authorities who shall administer any pension, provident or other fund constituted for the benefit of officers or other employees of the corresponding new bank or their dependants;

(l) the preparation and submission of statements of programmes of activities and financial statements of the corresponding new bank and the period for which and the time within which such statements and estimates are to be prepared and submitted; and

(m) generally for the efficient conduct of the affairs of the corresponding new bank.

(3) Until any regulation is made under sub-section (1), the articles of association of the existing bank and every regulation, rule, bye-law or order made by the existing bank shall, if in force at the commencement of this Act, be deemed to be the regulations made under sub-section (1) and shall have effect accordingly and any reference therein to any authority of the existing bank shall be deemed to be a reference to the corresponding authority of the corresponding new bank and until any such corresponding authority is constituted under this Act, shall be deemed to refer to the Custodian.

20. Amendment of certain enactments.—(1) In the Banking Regulation Act, 1949 (10 of 1949),—

(a) in section 34A, in sub-section (3), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and any subsidiary bank" shall be substituted;

(b) in section 36A1D, in sub-section (3), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies

(Acquisition and Transfer of Undertakings) Act, 1970, and any subsidiary bank" shall be substituted;

- (c) in section 51, for the words "or any other banking institution notified by the Central Government in this behalf", the words, figures and brackets "or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or any other banking institution notified by the Central Government in this behalf" shall be substituted;

- (d) in the Fifth Schedule, in Part I of paragraph 1, in clause (e), the *Explanations* shall be deemed never to have been inserted.

(2) In the Industrial Disputes Act, 1947, (14 of 1947) in section 2, in clause (bb), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and any subsidiary bank" shall be substituted.

(3) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949, (46 of 1949) in section 2, in clause (a), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and any subsidiary bank" shall be substituted.

(4) In the Deposit Insurance Corporation Act, 1961 (47 of 1961),—

- (a) in section 2,—

- (i) after clause (e), the following clause shall be inserted, namely:—

"(ee) "corresponding new bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;"

- (ii) in clause (g),—

- (a) for the words "or a banking company", the words "a corresponding new bank or a banking company", and

- (b) for the words "with a banking company", the words "with a corresponding new bank or with a banking company",

shall be substituted;

- (iii) in clause (i), after the words "banking company", the words "or a corresponding new bank" shall be inserted;

- (b) section 13 shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The provisions of clauses (a), (b), (c), (d) and (h) of sub-section (1) shall apply to a corresponding new bank as they apply to a banking company."

(5) In the State Agricultural Credit Corporations Act, 1968 (60 of 1968),—

- (a) in section 2, after clause (i), the following clause shall be inserted, namely:—

"(ii) "corresponding new bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;"

- (b) after the words "subsidiary banks" or "subsidiary bank", as the case may be, occurring in clause (d) of sub-section (3) of section 5, in clause (b) of section 9 and in the proviso to section 18, the words "corresponding new

banks" or "corresponding new bank", as the case may be, shall be inserted.

21. *Repeal and savings.*—(1) The Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970 (3 of 1970), is hereby repealed.

(2) Notwithstanding such repeal and notwithstanding any judgement, decree or order of any court or tribunal,—

- (a) any action taken, or purported to have been taken, or anything done, or purported to have been done, between the 19th day of July, 1969, and the 10th day of February, 1970, by any corresponding new bank purported to have been constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance 1969 (8 of 1969), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, (22 of 1969) or by any person purporting to act on behalf of such bank and any right, obligation or liability acquired or incurred, between the said dates; by or on behalf of such corresponding new bank shall be deemed to have been taken, done, acquired or incurred under the provisions of this Act by or on behalf of the corresponding new bank constituted thereunder;

- (b) any action taken, or purported to have been taken, or anything done, or purported to have been done, between the 10th day of February, 1970, and the appointed day, by an existing bank or by any person acting on behalf of such bank, and any right, obligation or liability acquired or incurred, between the said dates, by or on behalf of such existing bank shall be deemed to have been taken, done, acquired or incurred under the provisions of this Act by or on behalf of the corresponding new bank constituted thereunder;

- (c) anything done or any action taken, including any order made, notification issued or directions given under the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970 (3 of 1970), shall be deemed to have been done, taken, made, issued or given, as the case may be under the corresponding provisions of this Act.

(3) Any suit, appeal or other proceeding of whatever nature instituted on or after the 19th day of July, 1969, by or against a corresponding new bank purported to have been constituted by the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969 (8 of 1969), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 (22 of 1969), shall not abate, be discontinued, or be, in any way, prejudicially affected by reason of the expiry of the said Ordinance or the invalidation of the said Act, as the case may be, but such suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the corresponding new bank as if such suit, appeal or other proceeding had been instituted by or against the corresponding new bank constituted under this Act.

THE FIRST SCHEDULE

(See sections 2, 3 and 4)

Existing bank Column 1	Corresponding new bank Column 2
The Central Bank of India Limited.	Central Bank of India
The Bank of India, Limited	Bank of India
The Punjab National Bank Limited.	Punjab National Bank
The Bank of Baroda Limited	Bank of Baroda
The United Commercial Bank Limited.	United Commercial Bank
Canara Bank Limited	Canara Bank
United Bank of India Limited	United Bank of India
Dena Bank Limited	Dena Bank
Syndicate Bank Limited	Syndicate Bank
The Union Bank of India Limited	Union Bank of India
Allahabad Bank Limited	Allahabad Bank
The Indian Bank Limited	Indian Bank
The Bank of Maharashtra Limited.	Bank of Maharashtra
The Indian Overseas Bank Limited.	Indian Overseas Bank.

THE SECOND SCHEDULE

(See section 6)

Name of existing bank	Amount of compensation (In lakhs of rupees)
The Central Bank of India Limited ..	1750
The Bank of India Limited ..	1470
The Punjab National Bank Limited ..	1020
The Bank of Baroda Limited ..	840
The United Commercial Bank Limited ..	830
Canara Bank Limited ..	360
United Bank of India Limited ..	420
Dena Bank Limited ..	360
Syndicate Bank Limited ..	360
The Union Bank of India Limited ..	310
Allahabad Bank Limited ..	310
The Indian Bank Limited ..	230
The Bank of Maharashtra Limited ..	230
The Indian Overseas Bank Limited ..	250

THE THIRD SCHEDULE

[See sub-sections (2) and (3) of section 13]

DECLARATION OF FIDELITY AND SECRECY

I,, do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as Custodian, Director, member of Local Board, member of Local Committee, auditor, adviser, officer or other employee (as the case may be) of the*
and which properly relate to the office or position in the said*
held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the*

or to the affairs of any person having any dealing with the*
; nor

will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the*
and relating to the business of the*
or to the business of any person having any dealing with the*

*Name of corresponding new bank to be filled in.

Assented to on 31st March, 1970.

THE PRESS COUNCIL (AMENDMENT) ACT, 1970
(ACT NO. 6 OF 1970)

AN
ACT

further to amend the Press Council Act, 1965.

Enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Press Council (Amendment) Act, 1970.

2. *Amendment of long title.*—In the long title to the Press Council Act, 1965 (34 of 1965) (hereinafter referred to as the principal Act), after the word “newspapers”, the words “and news agencies” shall be inserted.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (2), the words “except the State of Jammu and Kashmir” shall be omitted.

4. *Insertion of new section 2A.*—In Chapter I, after section 2 of the principal Act, the following section shall be inserted, namely:—

“2A. *Rule of construction respecting enactments not extending to Jammu and Kashmir.*—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”

5. *Substitution of new sections for section 4.*—For section 4 of the principal Act, the following sections shall be substituted, namely:—

“4. *Composition of the Council.*—(1) The Council shall consist of a Chairman and twenty-six other members.

(2) The Chairman shall be a person nominated by a committee (hereinafter referred to as the Nominating Committee) consisting of the Chairman of the Council of States, the Chief Justice of India and the Speaker of the House of the People.

(3) Of the other members—

(a) thirteen shall be nominated by the Nominating Committee from among the working journalists, of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors, so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall, in either case, be not less than three;

(b) six shall be nominated by the Nominating Committee from among persons who own or carry on the business of management of newspapers, of whom—

(i) one each shall be a representative of big newspapers, medium newspapers and small newspapers published in Indian languages, and

(ii) one each shall be a representative of big newspapers, medium newspapers and small

newspapers published in any other language;

- (c) one shall be nominated by the Nominating Committee from among persons who manage news agencies;
- (d) three shall be persons having special knowledge or practical experience in respect of education and science, law and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;
- (e) three shall be members of Parliament of whom two shall be nominated by the Speaker from among members of the House of the People and one shall be nominated by the Chairman from among members of the Council of States:

Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a):

Provided further that not more than one person interested in any newspaper or group of newspapers under the same control or management shall be eligible for nomination under clause (a) or clause (b).

Explanation.—For the purposes of clause (b), a “newspaper” shall be deemed to be—

- (i) “big newspaper” if the circulation thereof exceeds fifty thousand copies for each issue;
- (ii) “medium newspaper” if the circulation thereof exceeds fifteen thousand copies but does not exceed fifty thousand copies for each issue;
- (iii) “small newspaper” if the circulation thereof does not exceed fifteen thousand copies for each issue.

(4) Before making any nomination under clause (a), clause (b) or clause (c) of sub-section (3), the Nominating Committee shall, in the prescribed manner, invite panels of names comprising twice the number of members to be nominated from such associations of persons of the categories referred to in the said clause (a), clause (b), or clause (c) as may be notified in this behalf by the Council:

Provided that until the Council notifies any such association, the Nominating Committee may nominate members to represent any of the categories referred to in clause (a), clause (b) or clause (c) of sub-section (3) after consultation with any such other association of persons of the category concerned or with such other individuals or interests concerned as it thinks fit.

(5) Where any association of persons referred to in sub-section (4) fails to forward a panel of names when invited to do so under that sub-section, the Nominating Committee may invite such panels of names in the like manner from any other association of persons of the category concerned or may nominate members after consultation with such other individuals or interests concerned as it thinks fit.

(6) Save as otherwise provided, no person shall be eligible for nomination under clause (a), clause (b) or clause (c) of sub-section (3) unless his name is included in the panel of names under sub-section (4) or sub-section (5), as the case may be.

(7) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette and every such nomination shall take effect from the date on which it is so notified.

4A. *Power to review nominations under certain cases.*—Subject to such conditions as may be prescribed, the

Nominating Committee shall have power to review any nomination made by it on a representation made to it by any association referred to in sub-section (4) or sub-section (5) of section 4 or by any person aggrieved by such nomination or otherwise.

6. *Amendment of section 3.*—In section 5 of the principal Act,—

(a) in sub-section (1A),—

(i) for the words, figures and letters “until the 31st day of March, 1970”, the words, figures, letters and brackets “until the 30th day of September, 1970 or until the Council is reconstituted in accordance with the provisions of section 4 as amended by the Press Council (Amendment) Act, 1970, whichever is earlier” shall be substituted;

(ii) for the words, figures and letters “before, the 31st day of March, 1970,” the words, figures and letters “before the 30th day of September, 1970 or before the date on which the Council is reconstituted, as the case may be,” shall be substituted;

(b) in sub-section (2), for the words, brackets and letters “chosen as a member under clause (a) or clause (b)”, the words, brackets and letters “nominated as a member under clause (a), clause (b) or clause (c)” shall be substituted;

(c) in sub-section (3), for the words, brackets and letter “chosen under clause (d)”, the words, brackets and letter “nominated under clause (e)”, and for the word “chosen”, where it occurs for the second time, the word “nominated,” shall be substituted;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) A member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council from three consecutive meetings of the Council.”;

(e) for sub-sections (5) (6) and (7), the following sub-sections shall be substituted, namely:—

“(5) Any vacancy arising under sub-section (2), sub-section (3), sub-section (3A) or sub-section (4) or otherwise shall be filled, as soon as may be, by nomination made by the same authority by which and in the same manner in which the member vacating office was nominated and the member so nominated shall hold office for the remaining period for which the member in whose place he is nominated, would have held office.

(6) A retiring members shall be eligible for re-nomination for not more than one term.”.

7. *Amendment of section 7.*—In section 7 of the principal Act, after the words “The Council”, the words “or any committee thereof” shall be inserted.

8. *Amendment of section 8.*—Section 8 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) The Council shall have the power to co-opt as members of any committee constituted under sub-section (1) such other number of persons not being members of the Council, as it thinks fit.

(3) Any such member shall have the right to attend any meeting of the committee on which he is so co-opted and to take part in the discussions thereat, but shall not have the right to vote and

shall not be a member for any other purpose.”.

9. Amendment of section 12.—In section 12 of the principal Act,—

(1) in sub-section (1), after the word “newspapers”, the words “and news agencies” shall be inserted;

(2) in sub-section (2),—

(a) in clause (a), after the word “newspapers”, the words “and news agencies” shall be inserted;

(b) in clause (b) and clause (c), after the word “newspapers”, wherever it occurs, the words “news agencies” shall be inserted;

(c) for clause (f), the following clause shall be substituted, namely:—

“(f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association of persons or any other organisation:

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from any foreign source in any other manner it thinks fit;”

(d) for clause (g), the following clause shall be substituted, namely:—

“(g) to undertake studies of foreign newspapers, including those brought out by any Embassy or other representative in India of a foreign State, their circulation and impact.

Explanation.—For the purpose of this clause, the expression “Foreign State” has the meaning assigned to it in section 87A of the Code of Civil Procedure, 1908 (5 of 1908);”

(c) for clause (i), the following clause shall be substituted, namely:—

“(i) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies;

Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947 (14 of 1947), applies;”

(f) in clause (j), after the word “newspapers”, in both the places where it occurs, the words “or news agencies” shall be inserted.

10. Amendment of section 13.—In section 13 of the principal Act,

(a) in sub-section (1),—

(i) after the word “newspaper”, where it occurs for the first and the second time, the words “or news agency” shall be inserted;

(ii) for the words “censure the newspaper, the editor or journalist, as the case may be”, the words “warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case may be” shall be substituted.

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If the Council is of the opinion that it is necessary or expedient in the public interest

so to do, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particular relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.”;

(c) in sub-section (3), after the words, brackets and figure “under sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A), as the case may be,” shall be inserted.

11. Amendment of section 14.—In section 14 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist.”.

12. Amendment of section 18.—In section 18 of the principal Act,—

(a) after the words “standards of newspapers”, the words “and news agencies” shall be inserted;

(b) after the words “copies thereof” the words and figures “together with the statement of accounts audited in the manner prescribed under section 19” shall be inserted.

13. Insertion of new section 18A.—After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. *Interim reports.*—Without prejudice to the provisions of section 18, the Council may prepare at any time during the course of a year, a report giving a summary of such of its activities during the year as it considers of public importance and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.”.

14. Amendment of section 22.—In sub-section (2) of section 22 of the principal Act,—

(a) in clause (a), after the words “may be invited under”, the words, brackets and figure “sub-section (4) or” shall be inserted;

(b) after clause (a), the following clause shall be inserted, namely:—

“(aa) the conditions subject to which, and the manner in which, a representation for review of a nomination may be made;”;

(c) after clause (c), the following clause shall be

inserted, namely:—

“(cc) matters referred to in clause (f) of sub-section (1) of section 14 which may be prescribed;”.

15. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) in clause (a), after the words “meetings of the Council”, the words “or any committee thereof” shall be inserted;

(b) after clause (c), the following clauses shall be inserted, namely:—

“(d) delegating to the Chairman or the Secretary, subject to such conditions as it may think fit to impose, any of its powers under sub-section (3) of section 16;

(e) any other matter for which under this Act provision may be made by regulations.”.

Assented to on 31st March, 1970.

THE ESSENTIAL COMMODITIES (AMENDMENT) CONTINUANCE ACT, 1970

(ACT NO. 14 OF 1970)

AN
ACT

to continue the Essential Commodities (Amendment) Act, 1964 for a further period.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Essential Commodities (Amendment) Continuance Act, 1970.

2. *Continuance of Act 47 of 1964.*—The duration of the Essential Commodities (Amendment) Act, 1964, is further extended for the period up to and including the 31st day of December, 1971, and accordingly that Act shall have effect subject to the modification that in section 1 of that Act, in sub-section (3), for the words, figures and letters “the 31st day of December, 1969” the words, figures and letters “the 31st day of December, 1971” shall be substituted.

3. *Repeal and saving.*—(1) The Essential Commodities (Amendment) Continuance Ordinance, 1969 (10 of 1969), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under section 12A of the Essential Commodities Act, 1955 (10 of 1955), or section 8A of the Criminal Law Amendment Act, 1952, (46 of 1952) as continued by the said Ordinance, shall be deemed to have been done or taken under those sections as continued by this Act as if this Act had come into force on the 30th day of December, 1969.

Assented to on 2-4-1970.

THE HARYANA AND PUNJAB AGRICULTURAL UNIVERSITIES ACT, 1970

(ACT NO. 16 OF 1970)

AN
ACT

to provide for the establishment of two independent Agricultural Universities in place of the Punjab Agricultural University constituted by the Punjab Agricultural University Act, 1961, and for matters consequential on, or connected with, the establishment of those independent Agricultural Universities.

WHEREAS, for the development of agriculture in the States of Haryana and Punjab, it is expedient to provide

for the establishment of two independent Agricultural Universities in place of the Punjab Agricultural University constituted by the Punjab Agricultural University Act, 1961;

AND WHEREAS, the Legislatures of the State of Haryana and Punjab have passed resolutions in terms of clause (1) of article 252 of the Constitution in relation to the above-mentioned matter and matters ancillary thereto in so far as such matters are matters enumerated in List II in the Seventh Schedule to the Constitution;

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Haryana and Punjab Agricultural Universities Act, 1970.

(2) It shall be deemed to have come into force on the 2nd day of February, 1970.

2. *Definitions.*—In this Act, and in all Statutes made thereunder, unless the context otherwise requires,—

(a) “Academic Council” means, in relation to a corresponding University, the Academic Council of that University;

(b) “agriculture” includes the basic and applied science of soil and water management, crop and live-stock production and management, home sciences and the betterment of rural people;

(c) “appropriate Government” means,—

(i) in relation to the Haryana Agricultural University, the Government of the State of Haryana;

(ii) in relation to the Punjab Agricultural University, the Government of the State of Punjab;

(d) “Board”, in relation to a corresponding University, means the Board of Management of that University;

(e) “college” means a constituent college of a corresponding University;

(f) “corresponding University” means,—

(i) in relation to the territories to which the functions of the Haryana Agricultural University extend, that University;

(ii) in relation to the territories to which the functions of the Punjab Agricultural University extend, that University;

(g) “existing University” means the Punjab Agricultural University constituted by section 3 of the Punjab Agricultural University Act, 1961 (Punjab Act 32 of 1961);

(h) “library” means a library established or maintained by a corresponding University;

(i) “prescribed” means prescribed by the Statutes of a corresponding University;

(j) “Statutes” and “Regulations” mean, respectively, the Statutes and Regulations made by a corresponding University under this Act;

(k) “transferred territories” means the territories added to the Union territory of Himachal Pradesh by sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966);

(l) “Vice-Chancellor” means the Vice-Chancellor of a corresponding University.

CHAPTER II

ESTABLISHMENT OF CORRESPONDING UNIVERSITIES

3. *Dissolution of the existing University and establishment of Haryana and Punjab Agricultural Universities.*—As from the commencement of this Act, the existing University shall stand dissolved and there shall be established in its place two independent Agricultural Universities, to be known respectively as the Haryana Agricultural University and the Punjab Agricultural University.

4. *Incorporation.*—(1) Each of the Agricultural Universities mentioned in section 3 shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, and to contract, and may, by its name, sue and be sued.

(2) Each body corporate referred to in sub-section (1) shall consist of the Chancellor and the Vice-Chancellor of that University, the members of the Board, the Academic Council and all persons, who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office or membership.

5. *Territorial limits.*—(1) The Haryana Agricultural University shall function within the territories of the State of Haryana and the Punjab Agricultural University shall function within such other territories to which the functions of the existing University extended immediately before the commencement of this Act:

Provided that on the establishment of a University in the Union territory of Himachal Pradesh, the Punjab Agricultural University shall cease to function in the transferred territories.

(2) Until a University is established in the Union territory of Himachal Pradesh, the Agricultural College at Palampur in the transferred territories shall, notwithstanding the dissolution of the existing University, continue to be a college of the Punjab Agricultural University and shall cease to be such college on the establishment of a University in those territories.

(3) On the establishment of a University in the Union territory of Himachal Pradesh, the assets and liabilities of the Punjab Agricultural University pertaining to the Agricultural College at Palampur, all research, training and extension centres, and any other property, of the Punjab Agricultural University located in the said Union territory shall stand transferred to, and shall vest in, such University.

6. *Headquarters.*—(1) The headquarters of the Haryana Agricultural University shall be at Hissar, and the headquarters of the Punjab Agricultural University shall be at Ludhiana, or at such other place as the appropriate Government may direct.

(2) Each corresponding University shall establish an office at the place at which the seat of the appropriate Government is located.

7. *Objects of a corresponding University.*—Each corresponding University shall be deemed to be established and incorporated for the following objects, namely:—

- (a) making provision for imparting education in different branches of study, particularly agriculture, veterinary and animal science, agricultural engineering, home sciences and other allied sciences;
- (b) furthering the advancement of learning and prosecution of research, particularly in agriculture and other allied sciences;
- (c) undertaking the extension of such sciences to the rural people of the territories within which the

University is required by this Act to function;

- (d) such other purposes as the appropriate Government may, by notification in the Official Gazette, direct.

8. *Admission to a corresponding University.*—(1) Each corresponding University shall, subject to the provisions of this Act and the Statutes, be open to all persons:

Provided that nothing herein shall require any such University to admit to any course of study a number of students larger than the prescribed number.

(2) The appropriate Government may direct the corresponding University to reserve in any college seats for women, Scheduled Castes, Scheduled Tribes or such educationally backward classes of citizens as may be specified by that Government in this behalf, and where such direction has been given, the corresponding University shall make the reservations accordingly:

Provided that no such person shall be entitled to be admitted to a corresponding University unless he meets the standards laid down by the corresponding University.

9. *Powers of a corresponding University.*—Each corresponding University shall have the following powers, namely:—

- (a) to provide for graduate and post-graduate instructions in agriculture, veterinary and animal sciences, agricultural engineering, home sciences and other allied sciences and in such other branches of learning as the University may deem fit;
- (b) to make provision for instructions in applied fields, research and the dissemination of the findings of research and technical information through an extension education programme;
- (c) to institute degrees, diplomas and other academic distinctions;
- (d) to hold examinations and to grant and confer degrees, diplomas and other academic distinctions to and on persons who shall have—
 - (i) pursued a prescribed course of study; or
 - (ii) carried out research in the University, on in an institution recognised in this behalf by the University, under the prescribed conditions;
- (e) to confer honorary degrees or other distinctions in the prescribed manner and under the prescribed conditions;
- (f) to provide lectures and instructions for field workers, village leaders and other persons not enrolled as regular students of the University and to grant certificates to them when deemed desirable;
- (g) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (h) to institute teaching, research and extension education posts required by the University and to appoint persons to such posts;
- (i) to create administrative, ministerial and other posts and to make appointments thereto;
- (j) to institute and award fellowships, scholarships and prizes in accordance with the Statutes;
- (k) to institute and maintain residential accommodation for students of the University;
- (l) to supervise and control the residential accommodation and to regulate the discipline of the students of the University and to make arrangements for promoting their health and welfare;
- (m) to institute and receive such fees and other charges as may be prescribed; and

(n) to do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

10. *Visitations.*—(1) The Chancellor of a corresponding University may cause an inspection to be made by such person as he may direct, of the corresponding University, its buildings, laboratories, and equipment and of any institution maintained by that University, and may cause an inquiry to be made in respect of any matter connected with the administration and the finances of that University.

(2) The Chancellor of a corresponding University shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made, and, on receipt of such notice, that University shall be entitled to appoint a representative who shall have the right to be present, and heard, at such inspection or inquiry.

(3) The Chancellor of a corresponding University may address the Board of the University with reference to the result of such inspection or inquiry with such advice as he may offer regarding the action to be taken.

(4) The Board shall communicate to the Chancellor such action as it proposes to take or has taken as the result of such inspection or inquiry.

(5) If the Board does not, within a reasonable time, take action to the satisfaction of the Chancellor, he may, after considering any explanation furnished or representation made by the Board, issue such directions as he may deem fit, and the Board shall comply with such directions.

CHAPTER III

MANAGEMENT OF A CORRESPONDING UNIVERSITY

11. *Authorities and officers of a corresponding University.*—The following shall be the authorities and officers of each corresponding University, namely:—

- (a) Authorities of a corresponding University—
 - (i) Board;
 - (ii) Academic Council;
 - (iii) Board of Studies; and
 - (iv) Such other authorities as may be declared by the Statutes to be authorities of the University.
- (b) Officers of the corresponding University—
 - (i) Chancellor;
 - (ii) Vice-Chancellor;
 - (iii) Dean of Post-Graduate Studies;
 - (iv) Deans of the colleges;
 - (v) Director of Research;
 - (vi) Director of Agricultural Extension Education;
 - (vii) Director of Students Welfare;
 - (viii) Registrar;
 - (ix) Comptroller;
 - (x) Estate Officer;
 - (xi) Librarian; and
 - (xii) Such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

12. *Chancellor.*—(1) The Governor of the State of Haryana shall be the Chancellor of the Haryana Agricultural University and the Governor of the State of Punjab shall be the Chancellor of the Punjab Agricultural University.

(2) The Chancellor of a corresponding University shall, by virtue of his office, be the Head of that University and shall, when present, preside at a convocation of that University.

(3) The Chancellor of a corresponding University shall

have such other powers as are specified in this Act or as may be prescribed.

13. *Constitution, powers and duties of the Board of a corresponding University.*—(1) The appropriate Government shall, within a period of one year from the commencement of this Act, establish a Board for the management of the corresponding University.

(2) The Board of the Haryana Agricultural University shall consist of—

- (a) the Vice-Chancellor;
- (b) the Chief Secretary to the Government of the State of Haryana;
- (c) the Secretaries to the Government of the State of Haryana in the Departments of—
 - (i) Agriculture;
 - (ii) Finance; and
 - (iii) Community Development;
- (d) persons not being officials, appointed by the Government of the State of Haryana from amongst the following categories of persons, namely:—
 - (i) one from amongst persons who are, in the opinion of that Government, eminent agricultural scientists with a background of agricultural research or education;
 - (ii) two from amongst persons who are, in the opinion of that Government, progressive farmers or live-stock breeders having experience of, and interest in, scientific farming and live-stock improvement;
 - (iii) one from amongst persons who are, in the opinion of that Government, distinguished industrialists, businessmen, manufacturers or live-stock breeders, associated with agricultural development; and
 - (iv) one from amongst women who are, in the opinion of that Government, outstanding social workers, preferably with a background of rural advancement.

(3) The Board of the Punjab Agricultural University shall consist of—

- (a) the Vice-Chancellor;
- (b) the Chief Secretary to the Government of the State of Punjab;
- (c) the Secretaries to the Government of the State of Punjab in the Departments of—
 - (i) Agriculture; and
 - (ii) Finance;
- (d) the Director of Agriculture, Punjab;
- (e) the Director of Animal Husbandry, Punjab;
- (f) one nominee of the Indian Council of Agricultural Research;
- (g) two nominees of the Government of the Union territory of Himachal Pradesh;
- (h) persons not being officials, appointed by the Government of the State of Punjab from amongst the following categories of persons, namely:—
 - (i) two from amongst persons who are, in the opinion of that Government, eminent agricultural scientists with a background of agricultural research or education;
 - (ii) two from amongst persons who are, in the opinion of that Government, progressive farmers or live-stock breeders having experience of, and interest in, scientific farming and live-stock improvement;

- (iii) one from amongst persons who are, in the opinion of that Government, distinguished industrialists, businessmen, manufacturers or livestock breeders, associated with agricultural development; and
- (iv) one from amongst women who are, in the opinion of that Government, outstanding social workers, preferably with a background of rural advancement.

(4) The Board of the Haryana Agricultural University shall associate with its meeting the following persons as technical advisers, but the persons so associated shall not be entitled to vote at any such meeting:—

- (a) the Director of Agriculture, Haryana;
- (b) the Director of Animal Husbandry, Haryana; and
- (c) two officers appointed by the Board of that University from amongst the Deans or Directors of that University.

(5) The term of office of the members of the Board, other than the official members, shall be three years:

Provided that two members of the Board, not being official members, shall retire at the end of each year.

(6) The members of the Board, other than the official members, shall determine, by lots, the members who shall retire at the end of each year.

(7) A member of the Board may resign his office by a notice in writing, addressed to the Chancellor of the corresponding University.

(8) If for any reason, a vacancy occurs in the office of a member of the Board, the appropriate Government may fill the vacancy by appointing another person thereto in accordance with the provisions of this section.

(9) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such Board.

(10) Four members of the Board, in the case of the Haryana Agricultural University, and five members of the Board, in the case of the Punjab Agricultural University, shall be a quorum for a meeting of the Board:

Provided that if a meeting of the Board is adjourned for want of a quorum, no quorum shall be necessary at the next meeting for the transaction of the same business.

(11) The Chancellor shall be the Honorary Chairman of the Board and the Vice-Chancellor, the Working Chairman.

(12) The members of the Board shall not be entitled to receive any remuneration for the performance of their functions under this Act, except such daily and travelling allowances as may be prescribed:

Provided that nothing herein shall affect the emoluments or other conditions of service of the Vice-Chancellor.

(13) On the commencement of this Act, the members of the Board of Management of the existing University shall be deemed to have vacated their offices as such.

14. Powers and duties of the Board.—The powers and duties of the Board shall be as follows:—

- (a) to approve the budget submitted by the Vice-Chancellor;
- (b) to hold and control the property and funds of the University and issue any general directive on behalf of the University;
- (c) to accept or transfer any property on behalf of the University;
- (d) to administer funds placed at the disposal of the University for specific purposes;
- (e) to invest moneys belonging to the University;
- (f) to appoint the officers, teachers and other employees of the University in the prescribed manner;

(g) to direct the form and use of the common seal of the University;

(h) to appoint such committees as it may deem necessary for its proper functioning;

(i) to borrow money for capital improvements and make suitable arrangements for its repayment;

(j) to appoint the Vice-Chancellor subject to the provisions of section 15;

(k) to meet at such times and as often as the Board may deem necessary:—

Provided that regular meetings of the Board shall be held at least once in every two months;

(l) to regulate and determine all matters concerning the University in accordance with this Act and the Statutes, and to exercise such powers and to discharge such duties as may be conferred on or imposed upon the Board by this Act or the Statutes.

15. The Vice-Chancellor.—(1) The Vice-Chancellor shall be a whole-time officer of the corresponding University and shall be appointed by the Board in the prescribed manner:

Provided that where the members of the Board are not unanimous with regard to the selection of the person proposed to be appointed as the Vice-Chancellor, the appointment shall be made by the Chancellor of the concerned corresponding University:

Provided further that the first Vice-Chancellor of the Haryana Agricultural University shall be appointed by the Government of the State of Haryana:

Provided also that the person holding office immediately before the commencement of this Act as the Vice-Chancellor of the existing University shall be deemed to be the first Vice-Chancellor of the Punjab Agricultural University and shall hold such office for the un-expired portion of his term of office as the Vice-Chancellor of the existing University.

(2) The term of office of the Vice-Chancellor shall be four years and he shall be eligible for re-appointment.

(3) The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment.

(4) When a vacancy occurs, or is likely to occur, in the office of the Vice-Chancellor by reason of leave taken by the holder of such office or any cause other than the expiry of the term of office, the Registrar shall report the fact forthwith to the Board, and such vacancy shall be filled in accordance with the provisions of sub-section (1).

(5) Until the vacancy is filled under sub-section (4) or until such time as the Board designates an acting Vice-Chancellor, the senior-most Dean, in the case of the Haryana Agricultural University, or the Registrar, in the case of the Punjab Agricultural University, as the case may be, shall carry on the current duties of the office of the Vice-Chancellor.

(6) The Vice-Chancellor may relinquish office by resignation in writing addressed to the Board and ordinarily delivered to the Secretary of the Board at least two months prior to the date on which the Vice-Chancellor wishes to be relieved.

16. Powers and duties of the Vice-Chancellor.—(1) The Vice-Chancellor shall be the principal executive and academic officer of the corresponding University and the Chairman of the Academic Council and shall, in the absence of the Chancellor, preside at a convocation of the corresponding University and shall confer degrees on persons entitled to receive them.

(2) The Vice-Chancellor shall exercise control over the

affairs of the corresponding University and shall be responsible for the due maintenance of discipline at that University.

(3) The Vice-Chancellor shall convene meetings of the Academic Council unless he temporarily delegates this power to some other officer of the corresponding University.

(4) Without prejudice to the powers conferred by this Act on the appropriate Government, the Vice-Chancellor shall ensure the faithful observance of the provisions of this Act and the Statutes and he shall exercise all such powers as may be necessary in that behalf.

(5) The Vice-Chancellor shall be responsible for the presentation of the budget and the statement of accounts to the Board.

(6) In any emergency, which, in the opinion of the Vice-Chancellor, requires immediate action to be taken, he shall take such action as he deems necessary and shall, at the earliest opportunity, report the action taken to the officer, authority or other body for confirmation who or which in the ordinary course would have dealt with the matter, but nothing in this sub-section shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorised and provided for in the budget.

(7) Where any action by the Vice-Chancellor under sub-section (6) affects any person in the service of the corresponding University to his disadvantage, such action shall not be taken unless the person concerned has been given a reasonable opportunity of being heard, and the person against whom any action is proposed to be taken may prefer an appeal to the Board within thirty days of the date on which the action proposed to be taken against him is communicated to him.

(8) Subject as aforesaid, the Vice-Chancellor shall give effect to the orders of the Board regarding the appointment, suspension and dismissal of officers, teachers and other employees of the corresponding University.

(9) The Vice-Chancellor shall be responsible for the close co-ordination and integration of teaching, research and extension education.

(10) The Vice-Chancellor shall exercise such other powers as may be prescribed.

(11) The salary and allowances payable to the officers, teachers and other employees of the corresponding University shall be determined by the Vice-Chancellor with the approval of the Board.

17. *The Registrar.*—(1) The Registrar of a corresponding University shall be a whole-time officer of that University and shall be appointed by the Vice-Chancellor of that University with the approval of the Board.

(2) The Registrar of a corresponding University shall receive such remuneration and other emoluments as may be prescribed and shall not, during the tenure of his office, accept any remuneration or emolument other than the prescribed remuneration or emolument.

(3) The powers and duties of the Registrar of a corresponding University shall be as follows:—

(a) to be responsible for the custody of the records and the common seal of the University;

(b) to be the *ex officio* Secretary to the Academic Council and to the Board and to place before such Council and Board all such information as may be necessary for the transaction of business of the Council or the Board, as the case may be;

(c) to receive applications for admission into the University;

(d) to keep a permanent record of all syllabi, curricula and informations connected therewith;

(e) to make arrangements for the conduct of such examinations as may be prescribed and to be responsible for the due execution of all processes

connected therewith;

(f) to perform such other duties as may be prescribed or required, from time to time, by the Vice-Chancellor.

18. *Comptroller.*—(1) The Comptroller of a corresponding University shall be a whole-time officer of that University and shall be appointed by the Vice-Chancellor of that University with the approval of the Board.

(2) The Comptroller shall manage the property and investments of the corresponding University and advise it in regard to its financial policy.

(3) The Comptroller shall be responsible to the Vice-Chancellor for all accounting matters of the corresponding University including the preparation and presentation of its budget and statement of accounts.

(4) The Comptroller shall receive such remuneration as may be prescribed and shall not, during the tenure of his office, receive any remuneration or other emolument other than the prescribed remuneration.

(5) The Comptroller shall—

(a) ensure that expenditure, not authorised in the budget, is not incurred by the corresponding University except by way of investment; and

(b) disallow any expenditure not warranted by the terms of any Statute or for which provision is required to be made by the Statute but has not been so made.

(6) All moneys belonging to the corresponding University shall be kept in a Scheduled Bank approved by the Board.

19. *The Estate Officer.*—The Estate Officer of a corresponding University, who shall be appointed by the Vice-Chancellor with the approval of the Board, shall be responsible for the custody, maintenance and management of all the buildings, lawns, gardens and other properties of the University.

20. *Director of Student Welfare.*—(1) The Director of Student Welfare of a corresponding University shall be a whole-time officer of that University and shall be appointed by the Vice-Chancellor with the approval of the Board.

(2) The Director of Student Welfare shall have the following duties, namely:—

(a) to make arrangements for the housing of students;

(b) to direct a programme of student-counselling;

(c) to arrange for the employment of students in accordance with the plans approved by the Vice-Chancellor;

(d) to supervise the extra-curricular activities of students;

(e) to assist in the placement of graduates of the University; and

(f) to organise and maintain contact with the Alumni Association of the University.

21. *Deans of colleges.*—(1) Each college shall have a Dean who shall be a whole-time officer and shall be appointed by the Vice-Chancellor with the approval of the Board.

(2) The Dean shall be responsible to the Vice-Chancellor for all matters concerning his college.

(3) The Dean shall be responsible for the organisation and the conduct of resident instruction of the Departments of the college.

22. *The Librarian.*—(1) The Librarian of a corresponding University shall be appointed by the Vice-Chancellor with the approval of the Board and shall be in charge of the library.

(2) The Librarian shall be responsible to the Vice-

Chancellor for all matters concerning the library.

23. *Academic Council.*—(1) The Academic Council shall be in charge of the academic affairs of the University and shall, subject to the provisions of this Act and the Statutes, superintend, direct and control, and be responsible for the maintenance of standards of instruction, education and examinations and other matters connected with the obtaining of degrees and shall exercise such other powers and perform such other duties as may be prescribed.

(2) Without prejudice to the generality of the foregoing power, the Academic Council shall have power—

- (a) to advise the Vice-Chancellor on all academic matters, including the control and management of the libraries;
- (b) to co-opt at its meetings such Heads of Departments as it may consider necessary;
- (c) to make recommendations to the Vice-Chancellor for the institution of the Professorships, Associate Professorships, Assistant Professorships and teacherships and other teaching posts and in regard to the duties and emoluments thereof;
- (d) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching, research and extension;
- (e) to make regulations regarding the admission of students to the University;
- (f) to make regulations regarding examinations conducted by the University and the conditions on which students shall be admitted to such examinations;
- (g) to make regulations relating to courses of study leading to degrees, diplomas and certificates;
- (h) to make recommendations regarding post-graduate teaching, research and extension;
- (i) to make recommendations regarding the qualifications to be prescribed for teachers in the University;
- (j) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under the provisions of this Act.

(3) The Academic Council shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deans of the colleges of the University;
- (c) the Dean of Post-Graduate Studies;
- (d) the Director of Extension Education;
- (e) the Director of Research;
- (f) the Head of one Department from each college, to be selected by the respective college.

(4) The term of office of the members specified in clause (f) of sub-section (3) shall be two years.

CHAPTER IV COLLEGES

24. *The colleges.*—(1) The following colleges shall be constituent colleges of the Haryana Agricultural University, namely:

- (a) the College of Agriculture at Hissar;
- (b) the College of Veterinary Medicine at Hissar;
- (c) the College of Animal Sciences at Hissar;
- (d) the College of Basic Sciences and the Humanities and such other colleges as may be established by the University after the commencement of this Act; and
- (e) such Central Government institutions of agricultural research, technical and extension education in the State of Haryana as may desire to be integrated as colleges of the Haryana Agricultural University.

(2) The following colleges shall be the constituent colleges of the Punjab Agricultural University, namely:—

- (a) the College of Agriculture at Ludhiana;
- (b) the College of Agricultural Engineering at Ludhiana;
- (c) the College of Basic Sciences and the Humanities at Ludhiana;
- (d) the College of Home Sciences at Ludhiana;
- (e) the College of Veterinary Medicine at Ludhiana;
- (f) until a University is established in the Union territory of Himachal Pradesh, the Agricultural College at Palampur;
- (g) such other colleges as may be established by the University after the commencement of this Act; and
- (h) such Central Government institutions of agricultural research, technical and extension education in the State of Punjab as may desire to be integrated as colleges of the Punjab Agricultural University.

(3) (a) There shall be a Board of Studies for each college of a corresponding University and where there is more than one college in a branch of learning, there may be one Board of Studies for all the colleges in that branch of learning.

(b) The Deans of various colleges shall be the Chairmen of the respective Boards of Studies and the Heads of Departments of the colleges shall be members thereof.

(c) Where there is a Board of Studies for more than one college in a branch of learning, the Deans shall act as Chairmen of the Board of Studies by rotation according to seniority for a period of one year each.

(d) The Vice-Chancellor may nominate to the Board of Studies such other teachers of related subjects or sciences from the same or other colleges, as he may deem fit.

(e) The duties of such Boards of Studies shall be to prescribe syllabi so as to ensure integrated and well-balanced courses of study.

(4) Every college shall comprise such Departments as may be prescribed and each Department shall be assigned such subjects of study as the Academic Council may deem fit.

(5) There shall be a Head of each Department who shall be responsible to the Dean, for resident instruction, to the Director of Research, for research, and to the Director of Extension Education, for extension education.

(6) The Head of each Department shall be selected by the Vice-Chancellor and appointed by him with the approval of the Board.

(7) The duties, powers and functions of the Heads of Departments shall be such as may be prescribed.

25. *Experiment Stations for research.*—(1) Subject to the provisions of this Act and the Statutes, Experiment Stations shall be established under each corresponding University, which shall be responsible for research, both fundamental and applied, and research activities shall be concentrated as far as possible at the Central Research Stations and other Regional Research and Testing Stations in the different agro-climatic zones of the State.

(2) There shall be a Director of Research in each corresponding University, who shall be responsible to the Vice-Chancellor and who shall be appointed by the Vice-Chancellor in consultation with the Deans and with the approval of the Board.

(3) The Director of Research shall be a whole-time officer trained in Agriculture and shall initiate, guide and co-ordinate the research programme of the corresponding University and its outlying sub-stations.

26. *Agricultural Extension Education.*—(1) In relation to the territories to which the functions of a corresponding University extend, such University shall be responsible for—

- (a) the agricultural extension functions which are primarily educational in nature; and
- (b) imparting training to the future Extension Officers for the National Extension Blocks and instructors for the Extension Training Centres.

(2) All Extension Specialists, in relation to any subject-matter, shall be the members of the staff of their respective subject-matter sections in each corresponding University and work in close co-ordination with the Departments of Agriculture, Development and Co-operatives.

(3) The Director of Extension Education shall be a whole-time officer technically trained in agriculture and shall be appointed by the Vice-Chancellor in consultation with the Deans and with the approval of the Board.

(4) The Director of Extension Education shall be responsible to the Vice-Chancellor and shall develop programmes for assisting farmers and housewives in applying results of scientific investigations to the solution of their problems.

CHAPTER V SERVICES

27. *Retirement and other conditions of services.*—The age of retirement and other conditions of service of every officer, teacher or other employee of a corresponding University shall be such as may be prescribed.

28. *Provident fund.*—Each corresponding University shall constitute gratuity and provident fund for the benefit of its officers, teachers and other employees in such manner, and subject to such conditions, as may be prescribed.

29. *Appointment of salaried officers.*—Subject to the provisions of this Act, the members of the technical staff of a corresponding University shall be selected by the Head of the Department in consultation with the members of the Department concerned, recommended by the Dean or the Director of Research or the Director of Extension Education, as the case may be, and appointed by the Vice-Chancellor with the approval of the Board.

30. *Temporary arrangements.*—The Vice-Chancellor may, until such time as the authorities of the corresponding University are duly constituted, temporarily appoint any such officer of that University as such University is authorised by this Act to appoint.

CHAPTER VI STATUTES AND REGULATIONS

31. *Statutes.*—Subject to the provisions of this Act, the Statutes of a corresponding University may provide for any matter and shall, in particular, provide for the following:—

- (a) the constitution, powers and duties of the authorities of the University;
- (b) the election, appointment, and continuance in office of the members of the authorities of the University and of the officers, teachers and other employees of the University including the filling up of vacancies and all other matters relating to these authorities and officers, teachers and other employees for which it may be neces-

- sary or desirable to provide;
- (c) the designation, the manner of appointment, the powers, and the duties of the officers of the University;
- (d) the classification and the manner of appointment of teachers;
- (e) the constitution of gratuity or provident fund or both for the benefit of officers, teachers and other employees of the University;
- (f) the institution of degrees and diplomas;
- (g) the conferment of honorary degrees;
- (h) the establishment, amalgamation, sub-division and abolition of Departments;
- (i) the establishment, and the abolition of hostels maintained by the University;
- (j) the institutions of fellowships, scholarships, medals and prizes;
- (k) the maintenance of a register of graduates;
- (l) the admission of students to the University and their enrolment and continuance as such;
- (m) the courses of study to be laid down for degrees and diplomas of the University;
- (n) the conditions under which students shall be admitted to the degree, diploma or other courses and the manner in which the examinations are to be held and the eligibility for the award of degrees and diplomas;
- (o) the conditions of residence of the students of the University and the levy of fees for residence in hostels maintained by the University;
- (p) the recognition and supervision of hostels not maintained by the University;
- (q) the number, qualifications, emoluments, and other conditions of service of officers, teachers and other employees of the University and the preparation and the maintenance of record of their services and activities;
- (r) the fees which may be charged by the University;
- (s) the remuneration and allowances, including travelling and daily allowances, to be paid to persons employed on the business of University;
- (t) the conditions for the award of fellowships, scholarships, medals and prizes, stipends and fee concessions;
- (u) all other matters which by this Act are to be or may be provided for by the Statutes.

32. *Statutes how made.*—(1) The Statutes made by the existing University under section 30 of the Punjab Agricultural University Act, 1961 (Punjab Act 32 of 1961) and in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, and subject to such adaptations and modifications as may be notified by the appropriate Government, be the first Statutes of a corresponding University.

(2) The Board may, from time to time, make new or additional Statutes and may amend or repeal the Statutes in the manner hereinafter provided in this section.

(3) The Academic Council may propose to the Board the draft of Statutes and such draft shall be considered by the Board at its next meeting:

Provided that the Academic Council shall not propose the draft of any Statute or any amendment of a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity to express its opinion upon the proposal, and any opinion so expressed shall be considered by the Board.

(4) The Board may consider any such draft as is referred to in sub-section (3) and pass the proposed Statute or reject

or return it to the Academic Council for re-consideration either in whole or in part, together with any amendment which it may suggest.

(5) (a) Any member of the Board may propose to the Board the draft of any Statute and the Board may either accept or reject the proposal if it relates to a matter not falling within the purview of the Academic Council.

(b) In case such a draft relates to a matter within the purview of the Academic Council, the Board shall refer it for consideration to the Academic Council, which may either report to the Board that it does not approve the proposal, which, then, shall be deemed to have been rejected by the Board or submit the draft to the Board in such form as the Academic Council may approve and the provisions of this section shall apply in the case of the draft submitted by any member of the Board as they apply in the case of a draft presented to the Board by the Academic Council.

33. *Regulations.*—(1) Any authority of a corresponding University may make Regulations consistent with this Act and the Statutes for—

- (a) laying down the procedure to be observed at its meetings and the number of members required to form a quorum;
- (b) providing for all matters which by this Act and the Statutes are to be provided for by the Regulations; and
- (c) providing for any other matter solely concerning the authority and not provided for by this Act and the Statutes.

(2) Every authority of the corresponding University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be transacted at meetings and for keeping of records of the proceedings of the meetings.

(3) The Academic Council may, subject to the provisions of the Statutes, make Regulations providing for courses of study, system of examinations, and degrees and diplomas of a corresponding University after receiving drafts of the same from the Board of Studies concerned.

(4) The Academic Council may not alter a draft received from the Board of Studies, but may reject or return it to the Board of Studies for further consideration together with the suggestions of the Academic Council.

(5) The Board may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under sub-section (1).

(6) Notwithstanding anything contained in this section, the Regulations made by the existing University under section 31 of the Punjab Agricultural University Act, 1961 (Punjab Act 32 of 1961) and in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act and subject to such adaptations and modifications as may be notified by the appropriate Government, be the first Regulations of each corresponding University.

CHAPTER VII

ACCOUNTS AND AUDIT

34. *Accounts and audit.* (1) Each corresponding University shall have a general fund to which shall be credited—

- (a) income from fees, endowments and grants and from properties of the University including Hostels, Experiment Stations and Farms;
- (b) contributions and grants which may be made by the appropriate Government on such conditions

which it may impose; and

- (c) other contributions, grants, donations and benefactions.

(2) Each corresponding University shall constitute a Finance Committee consisting of—

- (a) the Vice-Chancellor;
- (b) the Comptroller;
- (c) a member chosen by the Board from amongst the official members;
- (d) a member chosen by the Board from amongst the non-official members.

(3) The powers and duties of the Finance Committee of a corresponding University shall be as follows:—

- (a) to examine the annual accounts of the University and to advise the Board thereon;
- (b) to examine the annual budget estimates and to advise the Board thereon;
- (c) to review the financial position of the University from time to time;
- (d) to make recommendations to the University on all matters relating to the finances of the University;
- (e) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or which involves expenditure in excess of the amount provided in the budget.

(4) The accounts and the balance-sheet shall be submitted by the Vice-Chancellor through the Board to the appropriate Government which shall cause them to be audited by the Examiner, Local Fund Accounts.

(5) The accounts, when audited, shall be printed and copies thereof together with audit report, shall be submitted by the Vice-Chancellor to the Board, which shall forward them to the appropriate Government with such comments as it may deem fit and that Government shall cause a copy of the audited accounts together with its comments thereon to be laid before the State Legislature.

CHAPTER VIII

MISCELLANEOUS

35. *Division of assets and liabilities.*—On the commencement of this Act, the assets and liabilities of the existing University shall stand transferred to, and shall vest in, the Haryana Agricultural University and the Punjab Agricultural University and shall be apportioned between such Universities in accordance with the following principles, namely:—

- (a) (i) an asset of the existing University which is, immediately before the commencement of this Act, in the State of Haryana, and every right to such property, shall stand transferred to, and shall vest in, the Haryana Agricultural University;
- (ii) every other asset and every right thereto shall stand transferred to, and shall vest in, the Punjab Agricultural University;
- (b) (i) every liability of the existing University which is relatable to any unit or asset in the State of Haryana shall, if subsisting immediately before the commencement of this Act, be the liability of the Haryana Agricultural University;
- (ii) every other liability of the existing University, if subsisting on such commencement, shall be the liability of the Punjab Agricultural University;
- (c) the cash balances (whether in the form of cash, bank or security deposits) and reserve funds held by the existing University, immediately before the commencement of this Act, shall, after deducting all the liabilities of the existing

University up to such commencement, be apportioned between the Haryana Agricultural University and the Punjab Agricultural University in the ratio of 40 : 60;

(d) every contract made by the existing University before the commencement of this Act shall, if subsisting at such commencement, be deemed to have been made—

(i) in the case of a contract which is relatable to any asset or unit of the existing University in the State of Haryana, by the Haryana Agricultural University;

(ii) in any other case, by the Punjab Agricultural University;

(e) every share, debenture, bond and other investment made by the existing University shall be valued on the basis of average market value thereof during one year immediately before the commencement of this Act, and the value so determined shall be apportioned between the Haryana Agricultural University and the Punjab Agricultural University in the ratio of 40 : 60;

(f) every borrowing made by the existing University before the commencement of this Act shall, if the liability is subsisting on such commencement, be repaid together with the interest due thereon by the Haryana Agricultural University and the Punjab Agricultural University in the ratio of 40 : 60;

(g) the Provident Fund and accruals thereto of every officer or other employee of the existing University shall stand transferred to the corresponding University in which he has been posted on the date of the commencement of this Act.

Explanation.—For the purposes of this section “asset”, shall be deemed to include all property, movable and immovable, rights, powers, authorities and privileges, and all other rights and interests arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the existing University, and all books of accounts, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all obligations of whatever kind then subsisting of the existing University.

36. Legal proceedings.—If, at the commencement of this Act, any suit, appeal or other proceeding of whatever nature is pending by or against the existing University, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the dissolution of the existing University, but the suit, appeal or other pro-

ceeding may be continued, prosecuted or enforced by or against—

(a) the Haryana Agricultural University, if it relates to any property or unit of the existing University in the State of Haryana; and

(b) in any other case, the Punjab Agricultural University.

37. Transfer of employees.—(1) Save as otherwise provided in section 13, all officers and other employees of the existing University holding office as such immediately before the commencement of this Act shall, on such commencement become the officers or other employees of the corresponding University and such officers or other employees shall be divided between those Universities in accordance with the following principles, namely:—

(a) those officers or other employees of the existing University who are holding office in, or in connection with, any property or unit of the existing University in the State of Haryana shall become the officers or other employees of the Haryana Agricultural University;

(b) every other officer or other employee of the existing University, shall become the officer or other employee of the Punjab Agricultural University.

(2) Every officer or other employee of the existing University shall, on and from the commencement of this Act, hold his office or service in the corresponding University on the same terms and conditions and with the same rights to pension, provident fund, gratuity and other matters as would have been admissible to him if the existing University had not been dissolved, and continue to do so unless and until his employment in the corresponding University is duly terminated or until his remuneration and terms or conditions of service are duly altered by the corresponding University.

(3) For the persons who, immediately before the commencement of this Act, were the trustees for pension, provident, gratuity or other like fund, constituted for the officers or other employees of the existing University, there shall be substituted as trustees such persons as the appropriate Government may, by general or special order, specify.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or any other law for the time being in force, the transfer of the services of any officer or other employee from the existing University to a corresponding University shall not entitle such officer or other employee to any compensation, whether under this Act or under any other law for the time being in force, and no such claim shall be entertained by any court, tribunal or other authority.

38. Membership of corresponding University bodies.—

(1) All casual vacancies among the members (other than

ex-officio members) of any authority or body of each corresponding University shall be filled, as soon as possible, by the person or body who or which appointed or nominated the member, whose place became vacant, and the person appointed or nominated to a casual vacancy shall be a member of such authority or body for the remaining period of the term for which the person whose place he fills would have been a member.

(2) A person, who is a member of any authority of a corresponding University as a representative of another body, whether of that University or not, shall retain his seat on that authority so long as he continues to be a member of the body by which he was appointed or nominated and thereafter till his successor is duly appointed or elected.

(3) No act or proceeding of any authority or body of a corresponding University shall be invalid by reason merely of the existence of any vacancy or defect in the constitution of such authority or body.

(4) If any question arises whether any person has been duly appointed as, or is entitled to be, a member of any authority of a corresponding University subordinate to the Board or whether any decision of the corresponding University is in accordance with this Act and the Statutes, the question shall be referred to the appropriate Government whose decision thereon shall be final.

39. *Annual Report.*—(1) The Annual Report of a corresponding University shall be prepared under the directions of the Vice-Chancellor and submitted to the Board at least one month before the annual meeting at which it is to be considered.

(2) The Board shall, after consideration of the Annual Report, forward a copy thereof to the appropriate Government.

(3) On receipt of a copy of the Annual Report referred to in sub-section (1), the appropriate Government shall cause a copy of such Report, together with its comments hereon, to be laid before the State Legislature.

(4) Notwithstanding the dissolution of the existing University, the Annual Report of the existing University for the year 1969-70 shall be prepared under the directions of the Vice-Chancellor of the Punjab Agricultural University and the Board of that University shall, after consideration of the Annual Report, forward a copy thereof to the appropriate Government.

40. *Construction of references to existing University or any document, etc.*—Any reference to the existing University in any law, other than this Act, or in any contract or other instrument shall be construed,—

(a) if such reference relates to any asset or property of the existing University in the State of Haryana, as a reference to the Haryana Agricultural University; and

(b) in any other case, as a reference to the Punjab

Agricultural University.

41. *Obligations to be discharged by the Punjab Agricultural University.*—Any obligation incurred, before the commencement of this Act, by the existing University to confer any degree or other academic distinction on, or to issue any diploma or other certificate to, any person or to grant any copy of any degree, diploma, certificate, marks-sheet or other document to any person shall, on such commencement, be the obligation of the Punjab Agricultural University.

42. *Proportion of cost to be borne by the Government of Himachal Pradesh.*—In consideration of the maintenance, by the Punjab Agricultural University, of a campus at Palampur, the Government of the Union territory of Himachal Pradesh shall bear a portion of the cost of the Punjab Agricultural University and the quantum of such cost shall be determined by the Central Government having regard to the benefit derived by that Union territory.

43. *Settlement of unresolved disputes.*—(1) If any dispute arises by reason of the dissolution of the existing University, such dispute shall be resolved in the first instance by the Vice-Chancellors of the corresponding Universities and in the event of the failure of such Vice-Chancellors to arrive at an agreed solution with regard to any such dispute, the matter shall be referred to the Secretary to the Government of India in the Ministry dealing with Agriculture and the decision thereon of such Secretary shall be final.

(2) If, on the establishment of a University in the Union territory of Himachal Pradesh, any dispute arises with regard to the transfer of assets or liabilities pertaining to the Agricultural College at Palampur or the research, training and extension centres, or property, of the Punjab Agricultural University located in the said Union territory or with regard to the transfer of the officers or other employees of such College or centres to the University established in the Union territory of Himachal Pradesh, such dispute shall be resolved in the first instance by the Vice-Chancellor of the Punjab Agricultural University and the Chief Secretary to the Government of the Union territory of Himachal Pradesh and in the event of their failure to arrive at an agreed solution with regard to any such dispute, the matter shall be referred to the Secretary to the Government of India in the Ministry dealing with Agriculture and the decision thereon of such Secretary shall be final.

44. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything, not inconsistent with such provisions, which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of the period of two years from the commencement of this Act.

45. *Repeals and saving.*—(1) The Punjab Agricultural University Act, 1961 (Punjab Act 32 of 1961) is hereby repealed.

(2) The provisions of the General Clauses Act, 1897 (10 of 1897) shall apply to the repeal of the said Act as if the said Act were a Central Act.

(3) The Haryana and Punjab Agricultural Universities Ordinance, 1970 (1 of 1970) is hereby repealed.

(4) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Sinla-2, the 18th November, 1971

No. 12-11/71-LR.—The following Ordinances promulgated by the President of India and published in the Gazette of India, Extraordinary, part II, section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Inland Air Travel Tax Ordinance, 1971 (No. 19 of 1971).
2. The Industries (Development and Regulation) Ordinance, 1971 (No. 20 of 1971).

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE INLAND AIR TRAVEL TAX ORDINANCE, 1971

No. 19 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

An Ordinance to provide for the levy of a tax on inland air travel.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Inland Air Travel Tax Ordinance, 1971.
- (2) It extends to the whole of India except the State of Jammu and Kashmir,
- (3) It shall come into force at once.
2. **Definitions.**—In this Ordinance, unless the context herwise requires,—
 - (a) "aircraft" means any aircraft as defined in section 2 of the Aircraft Act, 1934 (22 of 1934), which is used (whether exclusively or not) for the carriage of passengers;
 - (b) "carrier" means a corporation, company or other person undertaking the carriage of a passenger on an inland journey;
 - (c) "fare" means the total amount of all charges of whatever nature (including charges, if any, for provision of food or accommodation) payable to the carrier by or on behalf of a passenger in respect of his inland journey;
 - (d) "inland journey" in relation to a passenger, means—
 - (i) his journey from any place within the territories to which this Ordinance extends to any other place within the said territories; or
 - (ii) if his journey is from or to any place in the territories to which this Ordinance extends to or from a place in the State of Jammu and Kashmir, so much of his journey as falls within the said territories,
 but does not include, in either case, a journey which is performed on a through international ticket and which precedes, or forms part of a series of journeys preceding, or follows, or forms part of a series of journeys following, a journey to or from a place outside India on the same ticket.

Explanation.—For the purpose of determining the portion of journey referred to in sub-clause (ii) falling within the territories to which this Ordinance extends, the journey referred to therein shall be deemed to terminate or, as the case may

be, commence from Amritsar irrespective of whether the aircraft by which the passenger is travelling over-flies or halts at Amritsar;

- (e) "passenger" means any person travelling on board an aircraft on an inland journey on payment of his fare whether at full rates or concessional rates.

3. **Inland air travel tax.**—(1) Subject to the provisions of this Ordinance, there shall be levied and paid to the Central Government in respect of every inland journey by a passenger a tax (hereinafter referred to as the inland air travel tax) at the rate of five per cent of the fare for such journey:

Provided that no such tax shall be levied under this sub-section in respect of any journey commencing on or before the 14th day of November, 1971.

(2) In accordance with rules made under this Ordinance, the inland air travel tax shall be collected by the carrier undertaking the carriage of the passengers, or, where the tickets or other relevant documents for such carriage are not issued by such carrier, by the carrier to whom such tickets or other documents relate, as an addition to the fares payable by such passengers and shall be paid to the Central Government.

4. **Rules for computing inland air travel tax.**—In computing the tax leviable under this Ordinance, the following rules shall apply, namely:—

Rule 1.—The tax leviable shall, wherever necessary, be rounded off to the nearest rupee, fifty paise and over being counted as one rupee and less than fifty paise being disregarded.

Rule 2.—In the case of a journey by a passenger from a place in the territories to which this Ordinance extends to a place in the State of Jammu and Kashmir, the tax leviable shall be computed as if such journey were up to Amritsar.

Rule 3.—In the case of a journey by a passenger from a place in the State of Jammu and Kashmir to a place in the territories to which this Ordinance extends, the tax leviable shall be computed as if such journey were from Amritsar.

5. **Power to exempt.**—Where the Central Government is of opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, exempt, either in whole or in part, and either absolutely or subject to such conditions as it may specify in the notification, any passengers or class of passengers from the tax leviable under this Ordinance.

6. **Penalty.**—Any person contravening the provisions of this Ordinance or of any rule made under this Ordinance shall be liable to a penalty not exceeding one thousand rupees for every such contravention and such penalty may be adjudged by such authority and in such manner as may be specified in the rules made under this Ordinance.

7. **Protection of action taken in good faith.**—No suit or other legal proceeding shall lie against the Central Government and no suit, prosecution or other legal proceeding shall lie against any officer or authority of that Government for anything in good faith done or intended to be done in pursuance of this Ordinance or the rules made thereunder.

8. **Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the returns and other particulars and information which carriers shall furnish, the authorities to

whom and the intervals at which, such returns, particulars and information shall be furnished;

- (b) the assessment and collection of the inland air travel tax including the charges for collection payable to carriers, the authorities by whom adjudication of penalty and other functions under this Ordinance are to be discharged, the issue of notices requiring payment of such tax the manner in which such tax shall be payable, the recovery of any such tax due to the Central Government in the same manner as an arrear of land revenue or in any other manner, and the procedure for claiming refund of any amount paid under this Ordinance;
- (c) the powers of authorities referred to in clause (b) to enter, inspect and search any aircraft or any premises of a carrier and to examine any tickets, books of account, returns or other documents for the purpose of carrying out any duty imposed on any such authority by or under this Ordinance:

Provided that the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), relating to searches shall, so far as they are applicable, apply in relation to searches under rules made under this clause;

- (d) the procedure for adjudication of penalty;
- (e) appeal and revision in the case of any order made under this Ordinance, the manner in which and the time within which appeal may be preferred or application for revision may be made and the fees payable therefor;
- (f) any other matter which is to be, or may be, provided for by rules under this Ordinance.

(3) Every rule made under this Ordinance shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary to the Government of India.

ERRATA

THE AGRICULTURE REFINANCE CORPORATION, (AMENDMENT) ACT, 1971

(No. 39 of 1971)

(As published in the Gazette of India, Extraordinary,
Part II, Section 1, dated the 15th August, 1971
(Issue No. 39)

At page 300,

- (i) in section 2, line 1, for "the fish" read "of fish";
- (ii) in section 3, line 1, for "principle" read "principal".

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1st November, 1971/Kartika 0, 1893 (Saka)

THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT ORDINANCE, 1971

(No. 20 of 1971)

Promulgated by the President in the Twenty-second year of the Republic of India.

An Ordinance further to amend the Industries (Development and Regulation) Act, 1951.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Industries (Development and Regulation) Amendment Ordinance, 1971.

(2) It shall come into force at once.

2. *Amendment of section 3.*—In the Industries (Development and Regulation) Act, 1951 (65 of 1951), (hereinafter referred to as the principal Act), in section 3,—

(i) after clause (a), the following clauses shall be inserted, namely:—

“(aa) “current assets” means bank balances and cash and includes such other assets or reserves as are expected to be realised in cash or sold or consumed within a short period of time in the ordinary course of business, such as, stock-in-trade, amounts due from sundry debtors for sale of goods and for services rendered, advance tax payments and bills receivable, but does not include sums credited to a provident fund, a pension fund, a gratuity fund or any other fund for the welfare of the employees, maintained by a company owning an industrial undertaking;

(ab) “current liabilities” means liabilities which must be met on demand or within a period of twelve months from the date they are incurred;”

(ii) after clause (c), the following clause shall be inserted, namely:—

“(cc) “High Court” means the High Court having jurisdiction in relation to the place at which the registered office of a company is situate;”

(iii) after clause (i), the following clause shall be inserted, namely:—

“(j) words and expressions used herein but not defined in this Act and defined in the Companies Act, 1956 (1 of 1956), have the meanings respectively assigned to them in that Act.”

3. *Insertion of new section 15A.*—After section 15 of the principal Act, the following section shall be inserted, namely:—

“15A. *Power to investigate into the affairs of a company in liquidation.*—(1) Where a company, owning an industrial undertaking, is being wound up by, or under the supervision of the High Court, and the business of such company is not being continued, the Central Government may, if it is of opinion that it is necessary, in the interests of the general public and, in particular, in the interests of production, supply or distribution of articles or class of articles relatable to the concerned scheduled industry, to investigate into the possibility of running or re-starting the industrial undertaking, make an application to the High Court praying for permission to make, or cause to be made, an investigation into such possibility by such person or body of persons as that Government may appoint for the purpose.

(2) Where an application is made by the Central Government under sub-section (1), the High Court shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), or in any other law for the time being in force, grant the permission prayed for."

4. *Amendment of section 18.*—In section 18 of the principal Act, in sub-section (1), after the word and figures "section 15", the words, figures and letter "or section 15A" shall be inserted.

5. *Insertion of new section 18AA.*—After section 18A of the principal Act, the following section shall be inserted, namely:—

'18AA. *Power to take over industrial undertakings without investigation under certain circumstances.*—

(1) Without prejudice to any other provision of this Act, if, from the documentary or other evidence in its possession, the Central Government is satisfied, in relation to an industrial undertaking, that—

(a) the persons in charge of such industrial undertaking have, by reckless investments or creation of incumbrances on the assets of the industrial undertaking, or by diversion of funds, brought about a situation which is likely to affect the production of articles manufactured or produced in the industrial undertaking, and that immediate action is necessary to prevent such a situation; or

(b) it has been closed for a period of not less than three months (whether by reason of the voluntary winding up of the company owning the industrial undertaking or for any other reason) and such closure is prejudicial to the concerned scheduled industry and that the financial condition of the company owning the industrial undertaking and the condition of the plant and machinery of such undertaking are such that it is possible to re-start the undertaking and such re-starting is necessary in the interests of the general public,

it may, by a notified order, authorise any person or body of persons (hereafter referred to as the "authorised person") to take over the management of the whole or any part of the industrial undertaking or to exercise in respect of the whole, or any part of the undertaking such functions of control as may be specified in the order.

(2) The provisions of sub-section (2) of section 18A shall, as far as may be, apply to a notified order made under sub-section (1) as they apply to a notified order made under sub-section (1) of section 18A.

(3) Nothing contained in sub-section (1) and sub-section (2) shall apply to an industrial undertaking owned by a company which is being wound up by or under the supervision of the Court.

(4) Where any notified order has been made under sub-section (1), the person or body of persons having, for the time being, charge of the management or control of the industrial undertaking, whether by or under the orders of any court or any contract, instrument or otherwise, shall, notwithstanding anything contained in such order, contract, instrument or other arrangement, forthwith make over the charge of management or control, as the case may be, of the industrial undertaking to the authorised person.

(5) The provisions of sections 18B to 18E (both inclusive) shall, as far as may be, apply to, or in relation to, the industrial undertaking, in respect of which a notified order has been made under sub-section (1), as they apply to an industrial undertaking in relation to which a notified order has been issued under section 18A."

6. *Insertion of new Chapters IIIAA, IIIAB and IIIAC.*—After Chapter IIIA of the principal Act, the following Chapters shall be inserted, namely:—

'CHAPTER IIIAA

MANAGEMENT OR CONTROL OF INDUSTRIAL UNDERTAKINGS OWNED BY COMPANIES IN LIQUIDATION

18FA. *Power of Central Government to authorise, with the permission of the High Court, persons to take over management or control of industrial undertakings.*—

(1) If the Central Government is of opinion that there are possibilities of running or re-starting an industrial undertaking, in relation to which an investigation has been made under section 15A, and that such industrial undertaking should be run or re-started, as the case may be, for maintaining or increasing the production, supply or distribution of articles or class of articles relatable to the scheduled industry, needed by the general public, that Government may make an application to the High Court praying for permission to appoint any person or body of persons to take over the management of the industrial undertaking or to exercise in respect of the whole or any part of the industrial undertaking such functions of control as may be specified in the application.

(2) Where an application is made under sub-section (1), the High Court shall make an order empowering the Central Government to authorise any person or body of persons (hereinafter referred to as the "authorised person") to take over the management of the industrial undertaking or to exercise functions of control in relation to the whole or any part of the industrial undertaking (hereinafter referred to as the "concerned part") for a period not exceeding five years:

Provided that if the Central Government is of opinion that it is expedient in the interests of the general public that the authorised person should continue to manage the industrial undertaking, or continue to exercise functions of control in relation to the concerned part, as the case may be, after the expiry of the period of five years aforesaid, it may make an application to the High Court for the continuance of such management or functions of control, for such period, not exceeding two years at a time, as may be specified in the application and thereupon the High Court may make an order permitting the authorised person to continue to manage the industrial undertaking or to exercise functions of control in relation to the concerned part:

Provided further that the total period of such continuance (after the expiry of the initial period of five years) shall not, in any case, be permitted to exceed ten years.

(3) Where an order has been made by the High Court under sub-section (2), the High Court shall direct the Official Liquidator or any other person having, for the time being, charge of the management or control of the industrial undertaking whether by or under the orders of any court, or any contract or instrument or otherwise, to make over the management of such undertaking or the concerned part, as the case may be, to the authorised person and thereupon the authorised person shall be deemed to be the Official Liquidator in respect of the

industrial undertaking or the concerned part, as the case may be.

(4) Before making over the possession of the industrial undertaking or the concerned part to the authorised person, the Official Liquidator shall make a complete inventory of all the current assets and liabilities of the industrial undertaking or the concerned part, as the case may be, in the manner specified in section 18FG and deliver a copy of such inventory to the authorised person, who shall, after verifying the correctness thereof, sign on the duplicate copy thereof as evidence of the receipt of the inventory by him.

(5) On taking over the management of the industrial undertaking, or on the commencement of the exercise of functions of control in relation to the concerned part, the authorised person shall take immediate steps to so run the industrial undertaking or the concerned part as to ensure the maintenance of production.

(6) The authorised person may, on such terms and conditions and subject to such limitations or restrictions as may be prescribed, raise any loan for the purpose of running the industrial undertaking or the concerned part, and may, for that purpose, create a floating charge on the current assets of the industrial undertaking or the concerned part, as the case may be.

(7) Where the authorised person is of opinion that the replacement or repair of any machinery of the industrial undertaking or the concerned part is necessary for the purpose of efficient running of the industrial undertaking or such part, he shall, in such terms and conditions and subject to such limitations or restrictions as may be prescribed make such replacement or repair, as the case may be.

(8) The loan obtained by the authorised person shall be recovered from the current assets of the industrial undertaking or the concerned part, in such manner and subject to such conditions as may be prescribed.

(9) For the purpose of running the industrial taking, or exercising functions of control in relation to the concerned part, the authorised person may employ such of the former employees of the industrial undertaking whose services became discharged by reason of the winding up of the company owning such undertaking and every such person employed by the authorised person shall be deemed to have entered into a fresh contract of service with the company.

(10) The proceedings in the winding up of the company in so far as they relate to—

(a) the industrial undertaking, the management of which has been taken over by the authorised person under this section, or

(b) the concerned part in relation to which any function of control is exercised by the authorised person under this section,

shall, during the period of such management or control, remain stayed, and, in computing the period of limitation for the enforcement of any right, privilege, obligation or liability in relation to such undertaking or the concerned part, the period during which such proceedings remained stayed shall be excluded.

CHAPTER IIIAB

POWER TO PROVIDE RELIEF TO CERTAIN INDUSTRIAL UNDERTAKINGS

18FB. *Power of Central Government to make certain declarations in relation to industrial undertakings, the management or control of which has been taken over under*

section 18A, section 18AA or section 18FA.—(1) The Central Government may, if it is satisfied, in relation to an industrial undertaking or any part thereof, the management or control of which has been taken over under section 13A, section 18AA or section 18FA, that it is necessary in the interests of the general public with a view to preventing fall in the volume of production of any scheduled industry, it may, by notified order, declare that—

(a) all or any of the enactments specified in the Third Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not, however, affect the policy of the said enactments) to such industrial undertaking, as may be specified in such notified order, or

(c) the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such industrial undertaking or the company owning such undertaking is a party or which may be applicable to such industrial undertaking or company) immediately before the date of issue of such notified order shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or shall be enforceable with such adaptations and in such manner as may be specified in the notified order:

(2) The notified order made under sub-section (1) shall remain in force, in the first instance, for a period of one year, but the duration of such notified order may be extended from time to time by a further notified order by a period not exceeding one year at a time:

Provided that no such notified order shall, in any case, remain in force—

(a) after the expiry of the period for which the management of the industrial undertaking was taken over under section 18A, section 18AA or section 18FA, or

(b) for more than five years in the aggregate from the date of issue of the first notified order, whichever is earlier.

(3) Any notified order made under sub-section (1) shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority or of any submission, settlement or standing order.

(4) Any remedy for the enforcement of any right, privilege, obligation or liability, referred to in clause (b) of sub-section (1) and suspended or modified by a notified order made under that sub-section shall, in accordance with the terms of the notified order, remain suspended or modified, and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly remain stayed or be continued subject to such adaptations, so, however, that on the notified order ceasing to have effect—

(a) any right, privilege, obligation or liability so remaining suspended or modified shall become revived and enforceable as if the notified order had never been made;

(b) any proceeding so remaining stayed shall be proceeded with, subject to the provisions of any law which may then be in force, from the stage

which had been reached when the proceedings became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1), the period during which it or the remedy for the enforcement thereof remained suspended shall be excluded.

CHAPTER IIIAC

LIQUIDATION OR RECONSTRUCTION OF COMPANIES

18FC. Power of Central Government to call for report on the affairs and working of managed company.—Where the management or control of an industrial undertaking has been taken over under section 18A, section 18AA or section 18FA, the Central Government may, at any time during the continuance of such management or control, call for a report from the authorised person on the affairs and working of the industrial undertaking and in submitting the report the authorised person shall take into account the inventory and the lists of members and creditors prepared under section 18FG.

18FD. Decision of Central Government in relation to managed company.—(1) If, on receipt of the report submitted by the authorised person, the Central Government is satisfied,—

- (a) in relation to the company owning the industrial undertaking, which is not being wound up by the High Court, that the financial condition and other circumstances of the company are such that it is not in a position to meet its current liabilities out of its current assets, that Government may, if it considers necessary or expedient in the interests of the general public so to do, by order, decide that the industrial undertaking should be sold as a running concern as provided in section 18FE and proceedings should simultaneously be started for the winding up, by the High Court, of the company;
- (b) in relation to the company, owning the industrial undertaking, which is being wound up by the High Court, that its assets and liabilities are such that in the interests of its creditors and contributors the industrial undertaking should be sold as a running concern as provided in section 18FE, it may, by order, decide accordingly.

(2) Notwithstanding anything contained in sub-section (1), if, on receipt of the report submitted by the authorised person, the Central Government, is satisfied that—

- (a) in the interests of the general public, or
- (b) in the interests of the shareholders, or
- (c) to secure the proper management of the company owning the industrial undertaking,

it is necessary so to do, that Government may, by order, decide to prepare a scheme for the reconstruction of the company owning the industrial undertaking:

Provided that no such scheme shall be prepared in relation to a company which is being wound up by or under the supervision of the High Court, except with the previous permission of that Court.

(3) The powers exercisable by the Central Government under section 18F, in relation to an undertaking taken over under section 18A, shall also be exercisable in relation to an undertaking taken over under section 18AA or section 18FA but such powers shall not be exercised after the making of an order under sub-section (1) or, as the case may be, under sub-section (2) of this section.

18FE. Provisions where Government decides to follow the course of action specified in section 18FD (1).—(1) The provisions hereinafter laid down shall apply where the Central Government decides that the course, of action specified in sub-section (1) of section 18FD should be followed, namely:—

- (a) the decision of the Central Government that the course of action specified in clause (a) of sub-section (1) of section 18FD should be followed in relation to a company owning an industrial undertaking shall be deemed to be a ground specified in sect on 433 of the Companies Act, 1956 (1 of 1956), on which the company may be wound up by the High Court;
- (b) the authorised person shall, as soon as may be, after the decision specified in clause (a) of sub-section (1) of section 18FD has been taken by the Central Government, present an application to the High Court for the winding up of the company owning the industrial undertaking;
- (c) when an application is made by the authorised person under clause (b) for the winding up, by the High Court, of the company owning the industrial undertaking, the High Court shall order the winding up of the company and shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), appoint the authorised person as the Official Liquidator in relation to such undertaking, and, until the industrial undertaking referred to in clause (a) or clause (b) of sub-section (1) of section 18FD is sold or purchased in pursuance of this section, the authorised person shall continue to function as the Official Liquidator in relation to the said undertaking in the winding up proceedings of the company, and, thereafter the Official Liquidator appointed by the Central Government under section 448 of the Companies Act, 1956, shall take over and function as the Official Liquidator in the said proceedings;
- (d) the authorised person shall make a report to the Central Government as to what should be the reserve price for the sale of the industrial undertaking as a running concern, and in making such a report, he shall have regard to—
 - (i) the financial condition of the company owning the industrial undertaking on the date on which the order under section 18FD is made—
 - (1) as disclosed in its books of account,
 - (2) as disclosed in its balance-sheet and profit and loss account during a period of five years immediately preceding the said date;
 - (ii) the condition and nature of the plant, machinery, instruments and other equipment from the point of view of their suitability for profitable use in the running of the industrial undertaking;
 - (iii) the total amount of liability on account of secured and unsecured debts including overdrafts, if any, drawn on banks, liabilities on account of terminal benefits to the employees and other borrowings and other liabilities of the company; and
 - (iv) other relevant factors including the fact that the industrial undertaking will be sold free from all incumbrances, and notice of such price shall be given in such manner as

may be prescribed to the members and creditors of the company owning such industrial undertaking to make representations within a specified time to the Central Government through the authorised person and the Central Government after considering the representations received and the report of the authorised person, determine the reserve price;

- (e) the authorised person shall thereafter, with the permission of the High Court, invite tenders from the public in such manner as may be determined by the High Court for the sale of the industrial undertaking as a running concern subject to the condition that it will be sold to the person offering the highest price which shall not be less than the reserve price determined under clause (d).

Provided that the High Court shall not refuse to grant such permission if it is satisfied that the company is not in a position to meet its current liabilities out of its current assets;

- (f) the industrial undertaking shall be sold to the highest bidder, as a running concern, only if the price offered by him therefor is not less than the reserve price;
- (g) where no offer of price is equal to, or more than, the reserve price, the industrial undertaking shall be purchased by the Central Government at the reserve price;
- (h) the amount realised from the sale of the industrial undertaking as a running concern together with any other sum which may be realised from any contributory, purchaser or any other person from whom any money is due to the company shall be utilised in accordance with the provisions of the Companies Act, 1956 (1 of 1956), in discharging the liabilities of the company and distributing the balance, if any, amongst the members of the company;
- (i) in other respects, the provisions of the Companies Act, 1956 (1 of 1956), relating to the winding up of a company by the High Court shall, as far as may be, apply.

(2) When an industrial undertaking is sold to any person under clause (f), or purchased by the Central Government under clause (g), of sub-section (1), there shall be transferred to and vested in the purchaser, free from all incumbrances, all such assets relating to the industrial undertaking as are referred to in sub-clause (i) of clause (a) of section 18FG and existing at the time of the sale or purchase.

18FF. Provisions where Government decides to follow the course of action specified in section 18FD (2)—(1) Where in any case the Central Government decides that the course of action specified in sub-section (2) of section 18FD should be followed, it shall, subject to the provisions of that sub-section, cause to be prepared, by the authorised person, a scheme for the reconstruction of the company, owning the industrial undertaking, in accordance with the provisions hereinafter contained and the authorised person shall submit the same for the approval of that Government.

(2) The scheme for the reconstruction of the company owning the industrial undertaking may contain provisions for all or any of the following matters, namely:

- (a) the constitution, name and registered office, the capital, assets, powers, rights, interests, authorities

and privileges, the liabilities, duties and obligations of the company on its reconstruction;

- (b) any change in the Board of directors, of the appointment of a new Board of directors of the company on its reconstruction and the authority by whom, the manner in which and the other terms and conditions on which, such change or appointment shall be made and in the case of appointment of a new Board of directors or of any director, the period for which such appointment shall be made;
- (c) the vesting of controlling interest, in the reconstructed company, in the Central Government either by the appointment of additional directors or by the allotment of additional shares;
- (d) the alteration of the memorandum and articles of association of the company, on its reconstruction, to give effect to such reconstruction;
- (e) subject to the provisions of the scheme, the continuation by or against the company, on its reconstruction, of any action or proceedings pending against the company immediately before the date of its reconstruction;
- (f) the reduction of the interest or rights which the members and creditors have in or against the company before its reconstruction to such extent as the Central Government may consider necessary in the interests of the general public or in the interests of the members and creditors or for the maintenance of the business of the company;

Provided that nothing contained in this clause shall be deemed to authorise the reduction of the interest or rights of any creditor (including Government) in respect of any loan or advance made by that creditor to the company after the date on which the management of the industrial undertaking of the company has been taken over under section 18A, section 18AA, or section 18FA;

- (g) the payment in cash or otherwise to the creditors in full satisfaction of their claim—
- (i) in respect of their interest or rights in or against the company before its reconstruction; or
- (ii) where their interest or rights in or against the company has or have been reduced under clause (f), in respect of such interest or rights as so reduced;
- (h) the allotment to the members of the company for shares held by them therein before its reconstruction [whether their interest in such shares has been reduced under clause (f) or not, of shares in the company on its reconstruction and where it is not possible to allot shares to any members, the payment in cash to those members in full satisfaction of their claim—
- (1) in respect of their interest in shares in the company before its reconstruction; or
- (2) where such interest has been reduced under clause (f), in respect of their interest in shares as so reduced;
- (i) the offer by the Central Government to acquire by negotiations with the members of the company their respective shares on payment in cash to those members who may volunteer to sell their shares to the Central Government in full satisfaction of their claim—
- (1) in respect of their interest in shares in the company before its reconstruction; or

(2) where such interest has been deduced under clause (f), in respect of their interest in shares as so reduced;

- (j) the conversion of any debentures issued by the company after the taking over of the company under section 18A or section 18AA or section 18FA or of any loans obtained by the company after the date or of any part of such debentures or loans, into shares in the company and the allotment of those shares to such debenture-holders or creditors, as the case may be;
- (k) the increase of the capital of the company by the issue of new shares and the allotment of such new shares to the Central Government;
- (l) the continuance of the services of such of the employees of the company as the Central Government may specify in the scheme in the company itself, on its reconstruction, on such terms and conditions as the Central Government thinks fit;
- (m) notwithstanding anything contained in clause (l), where any employees of the company whose services have been continued under clause (l) have, by notice in writing given to the company at any time before the expiry of one month next following the date on which the scheme is sanctioned by the High Court, intimated their intention of not becoming employees of the company on its reconstruction, the payment to such employees and to other employees whose services have not been continued on the reconstruction of the company, of compensation, if any, to which they are entitled under the Industrial Disputes Act, 1947 (14 of 1947), and such pension, gratuity, provident fund and other retirement benefits ordinarily admissible to them under the rules or authorisations of the company immediately before the date of its reconstruction;
- (n) any other terms and conditions for the reconstruction of the company;
- (o) such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction of the company shall be fully and effectively carried out.

(3) (a) A copy of the scheme, as approved by the Central Government, shall be sent in draft to the company and to the creditors thereof for suggestions and objections, if any, within such period as the Central Government may specify for this purpose;

(b) the Central Government may make such modifications, if any, in the draft scheme as it may consider necessary in the light of the suggestions and objections received from the company and from any members or creditors of the company.

(4) The scheme shall thereafter be placed before the High Court for its sanction and the High Court, if satisfied that the scheme is in the interest of the general public or in the interest of the shareholders or for securing the proper management of the company and that the scheme is designed to be fair and reasonable to the members and creditors of the company, may, after giving reasonable opportunity to the company and to its members and creditors of showing cause, sanction the scheme without any modification or with such modifications as it may consider necessary.

(5) The scheme, as so sanctioned by the High Court, shall come into force on such date as that Court may specify in this behalf:

Provided that different dates may be specified for different provisions of the scheme.

(6) The sanction accorded by the High Court under sub-section (4) shall be conclusive evidence that all the requirements of this section relating to the reconstruction of the company have been complied with, and a copy of the sanctioned scheme certified by the High Court to be a true copy thereof, shall, in all legal proceedings (whether original or in appeal or otherwise, be admitted as evidence to the same extent as the original scheme.

(7) On and from the date of the coming into operation of the scheme or any provision thereof, the scheme or such provision shall be binding on the company and also on all the members and other creditors and employees of the company and on any other person having any right or liability in relation to the company.

(8) On the coming into operation of the scheme or any provision thereof, the authorised person shall cease to function, and the management of the reconstructed company shall be assumed by the Board of directors as provided in the scheme.

(9) Copies of the scheme shall be laid before each House of Parliament, as soon as may be, after the scheme has been sanctioned by the Court.

(10) The provisions of this section and of any scheme made thereunder shall have effect notwithstanding anything contained in section 391 to 394A (both inclusive) of the Companies Act, 1956 (1 of 1956).

18FG. *Preparation of inventory of assets and liabilities and list of members and creditors of managed company.*—For the purposes of this Act, the authorised person shall, as soon as may be, after taking over the management of the industrial undertaking of a company under section 18A, or section 18AA or section 18FA, —

(a) prepare a complete inventory of—

(i) all properties, movable and immovable, including lands, buildings, works, workshops, stores, instruments, plant, machinery, automobiles and other vehicles, stocks of materials in the course of production, storage or transit, raw materials, cash balances, cash in hand, deposits in bank or with any other person or body or on loan, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the date of taking over of the industrial undertaking in the ownership, possession, power or control of the company, whether within or without India; and all books of account, registers, maps, plans, sections, drawings, records, documents or titles of ownership of property, and all other documents of whatever nature relating thereto; and

(ii) all borrowings, liabilities and obligations of whatever kind of the company including liability on account of terminal benefits to its employees subsisting immediately before the said date;

(b) prepare separately a list of members, and a list of creditors, of such company as on the date of taking over of the management of the industrial undertaking showing separately in the list of creditors, the secured creditors and the unsecured creditors:

Provided that where the management of the industrial undertaking of a company has been taken over under the said section 18A before the commencement of this

Act the aforesaid functions shall be performed by the authorised person within six months from such commencement.

18FH. *Stay of suits and other proceedings.*—In the case of a company in respect of which an order under section 18FD has been made, no suit or other legal proceeding shall be instituted or continued against the company except with the previous permission of the Central Government or any officer or authority authorised by that Government in this behalf.

7. *Amendment of section 25.* In sub-section (1) of section 25 of the principal Act, for the word, figures and letter "and 18A", the word, figures and letters "18A, 18AA and 18FA" shall be substituted.

8. *Insertion of new section 29D.*—After section 29C of the principal Act, the following section shall be inserted, namely:—

"29D. *Debts incurred by authorised persons to be preferential debts.*—Every debt arising out of any loan obtained by the authorised person for carrying on the management of, or exercising functions of control in relation to, any industrial undertaking or part thereof which has been taken over under section 18A, section 18AA or section 18FA, shall be a preferential debt within the meaning of section 330 of the Companies Act, 1956 (1 of 1956), and such debts shall rank equally among themselves and be paid in full out of the current assets of the industrial undertaking unless such current assets are insufficient to meet them, in which case they shall abate in equal proportions."

9. *Amendment of section 30.*—In section 30 of the principal Act, in sub-section (2), after clause (p), the following clause shall be inserted, namely:—

"(pp) any matter which is to be or may be prescribed for giving effect to the provisions of Chapter IIIA or Chapter IIIC;"

10. *Insertion of new Schedule.*—In the principal Act, after the Second Schedule, the following Schedule shall be inserted, namely:—

THE THIRD SCHEDULE

(See section 18FB)

1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
2. The Industrial Disputes Act, 1947 (14 of 1947).
3. The Minimum Wages Act, 1948 (11 of 1948).

11. *Repeal and savings.*—(1) The Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967 (29 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken, order, rule or appointment made, scheme prepared or reserve price fixed under the act so repealed shall in so far as it is not inconsistent with the provisions of this Ordinance be deemed to have been done, taken, made, prepared or fixed under the corresponding provisions of the Industries (Development and Regulation) Act, 1951 (65 of 1951), as amended by this Ordinance as if the said Act as so amended were in force on the date on which such thing was done, action was taken, order, rule or appointment was made, scheme was prepared and reserve price was fixed and any proceeding commenced under the Act so repealed which was pending immediately before the commencement of this Ordinance may be continued from the stage which was reached in such proceeding immediately before such commencement as if such proceeding were

commenced under the corresponding provisions of the Industries (Development and Regulation) Act, 1951, as amended by this Ordinance.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary
to the Government of India.

Simla-2, the 7th December, 1971

No. 12-11/71-LR.—The following Ordinances promulgated by the President of India and published in the Gazette of India, Extraordinary, part II, section I, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Delhi Road Transport Laws (Amendment) Ordinance, 1971 (21 of 1971).
2. The Visva-Bharati (Amendment) Ordinance, 1971 (22 of 1971).
3. The Motor Vehicles (Requisitioning and Control) Ordinance, 1971 (23 of 1971).

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE DELHI ROAD TRANSPORT LAWS (AMENDMENT) ORDINANCE, 1971

No. 21 of 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

An Ordinance to provide for the establishment of a Road Transport Corporation for the Union territory of Delhi, and, for that purpose, further to amend the Road Transport Corporations Act, 1950, and the Delhi Municipal Corporation Act, 1957, and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Delhi Road Transport Laws (Amendment) Ordinance, 1971.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In the Road Transport Corporations Act, 1950 (64 of 1950), in section 1,—

(i) in sub-section (2), the words "except the Union territory of Delhi" shall be omitted;

(ii) to sub-section (2), the following proviso shall be added, namely:—

"Provided that on and from the commencement of the Delhi Road Transport Laws (Amendment) Ordinance, 1971, this Act, as amended by the said Ordinance, shall extend to, and be in force in, the Union territory of Delhi."

3. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "Municipal Corporation of Delhi" means the Municipal Corporation of Delhi established under the Delhi Municipal Corporation Act, 1957 (66 of 1957);

(b) "new Corporation" means the new Road Transport Corporation for the Union territory of Delhi established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950).

4. *Vesting of assets, etc., in the new Corporation.*—On the establishment, under the Road Transport Corporations Act 1950 (64 of 1950), of a new Corporation,—

(a) all properties, movable and immovable, and all interests of whatsoever nature and kind therein belonging to, or vested in, the Municipal Corporation of Delhi, for the purpose of the Delhi Transport Undertaking, immediately before such establishment, shall vest in the new Corporation;

(b) all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for, the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and, subsisting immediately before such establishment, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the new Corporation;

(c) all licences and permits granted to the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and in force immediately before such establishment, shall be deemed to have been granted to the new Corporation and shall have effect accordingly;

(d) all suits, prosecutions and other legal proceedings instituted, or which might have been instituted, by, for or against, the Municipal Corporation of Delhi for the purpose of Delhi Transport Undertaking, may,—

(i) if such suit, prosecution or other legal proceeding was pending immediately before the establishment of the new Corporation, or

(ii) if the cause of action for such suit, prosecution or other legal proceeding arose before such establishment and the institution of such suit, prosecution or other legal proceeding was not barred before such establishment by any law for the time being in force, be continued or, as the case may be, instituted, by, for or against, the new Corporation;

(e) all bye-laws relating to transport services made by the Municipal Corporation of Delhi under sub-section (1) of section 481 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), and in force immediately before such establishment, shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue to be in force and be deemed to be regulations made by the new Corporation under section 45 of the Road Transport Corporations Act, 1950 (64 of 1950), unless and until they are superseded by regulations made under that section;

(f) notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, every officer and other employee of the Municipal Corporation of Delhi appointed or deemed to be appointed for the purpose of the Delhi Transport Undertaking shall be transferred to, and become an officer or other employee of, the new Corporation with such designation as the new Corporation may determine and shall hold such office by the same tenure, on the same remuneration and on the same terms and conditions of service and with the same right to pension,

gratuity and other matters as he would have held the same if the new Corporation had not been established and shall continue to do so unless and until such employment, tenure, remuneration and terms and conditions of service are duly altered or terminated by the new Corporation:

Provided that the tenure, remuneration and other terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the approval of the Central Government:

Provided further that any service rendered, in relation to road transport service, under the Municipal Corporation of Delhi, by any such officer or other employee before the establishment of the new Corporation shall be deemed to be service rendered under the new Corporation.

5. *Payment of value of assets and liabilities.*—(1) Where the sum total of the value of the properties and interests referred to in clause (a) of section 4, vested in the new Corporation (hereinafter in this section referred to as "the assets") exceeds the sum total of the debts, obligations and liabilities which are deemed to have been incurred by the new Corporation under clause (b) of that section (hereinafter in this section referred to as "the liabilities"), such excess shall be paid by the new Corporation to the Municipal Corporation to the Municipal Corporation of Delhi on such terms and conditions as may be determined by the Central Government in this behalf.

(2) Where the sum total of the liabilities exceeds the sum total of the value of the assets, such excess shall be paid by the Municipal Corporation of Delhi to the new Corporation on such terms and conditions as may be determined by the Central Government in this behalf.

(3) The sum total of the value of the assets and the sum total of the liabilities shall be such amounts as may be arrived at by agreement between the Municipal Corporation of Delhi and the new Corporation and where no such agreement can be reached, the amounts shall be determined by an arbitral tribunal consisting of one nominee of the Municipal Corporation of Delhi one nominee of the new Corporation and a Chairman, to be nominated by the Chief Justice of the High Court of Delhi.

(4) An appeal shall lie to the High Court of Delhi against the decision of the tribunal and the order of that High Court on such appeal shall be final.

6. *Power of the Central Government to exempt vehicles of the new Corporation from payment of certain charges.*—The Central Government may, by order, in writing, exempt all or any of the vehicles of the new Corporation from payment of any tolls or other charges leviable under any enactment for the time being in force, for the use of the roads within the Union territory of Delhi.

7. *Amendment of Acts 64 of 1950, 66 of 1957 and 4 of 1939.*—On and from the commencement of this Ordinance,—

(a) the Road Transport Corporations Act, 1950 (64 of 1950), shall, in its application to the Union territory of Delhi, be subject to the amendments specified in the First Schedule;

(b) the Delhi Municipal Corporation Act, 1957, (66 of 1957), shall, in relation to the road transport services in the Union territory of Delhi, be subject to the amendments specified in the Second Schedule;

(c) the Motor Vehicles Act, 1939 (4 of 1939), shall, in its application to the Union territory of Delhi, have effect subject to the provisions specified in the Third Schedule.

THE FIRST SCHEDULE

[See section 7(a)]

AMENDMENTS TO THE ROAD TRANSPORT CORPORATION ACT, 1950

Section 3.—For “State”, substitute “Union territory of Delhi”.

Section 5.—In sub-section (3), for “both of the Central Government and of the State Government concerned in the Corporation in such proportion as may be agreed to by both the Governments and of nomination by each Government” substitute “of the State Government in the Corporation and of nomination by that Government”.

Section 8.—Omit the proviso.

Section 18.—For “State or part of the State”, substitute “Union territory of Delhi or part thereof”.

Section 19.—(i) In sub-section (1), in clause (a), for “State”, substitute “Union territory of Delhi”;

(ii) in sub-section (2), in clause (c),

(a) for “State concerned”, substitute “Union territory of Delhi”; and

(b) for “that State” substitute “that Union territory”.

After section 19, insert—

“19A. Corporation to obtain the approval of the Central Government in certain cases.—In the exercise of any of its powers under this Act, the Corporation shall not incur on any single work, service or scheme or for any other purpose a capital expenditure of more than twenty-five lakhs of rupees except with the previous approval of the Central Government.”.

Section 21.—For “the Central Government in consultation with the State Government”, substitute “that Government”.

Section 23.—(a) For sub-section (1), substitute—

“(1) The State Government may provide to a Corporation established by that Government any capital that may be required by the Corporation for the purpose of carrying on its undertaking or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as that Government may determine.”;

(b) In sub-section (3), omit “the Central Government” and “in consultation with the Central Government”.

Section 26.—In sub-section (2), omit “and the Central Government”.

Section 28.—In sub-sections (1) and (2), omit “in consultation with the Central Government”.

Section 30.—Omit “and the Central Government”.

Section 33.—In sub-section (4), for “the legislature of the State”, substitute “each House of Parliament”.

Section 35.—(a) in sub-section (2), for “Central and the State Governments”, substitute “State Government”;

(b) in sub-section (3), for “Legislature of the State”, substitute “each House of Parliament”.

Section 37.—In sub-section (3), for “Legislature of the State” substitute “each House of Parliament”.

Section 38.—Omit “with the previous approval of the Central Government”.

Section 39.—In sub-section (2), for “Central and the State Government”, substitute “State Government”.

Section 40.—(i) In clause (b) for “High Court exercising jurisdiction in relation to the State concerned”, substitute “High Court of Delhi”;

(ii) in clause (c)—

(a) for “lie to the High Court”, substitute “lie to the High Court of Delhi”;

(b) for “order of the High Court”, substitute “order of that High Court”.

Section 44.—In sub-section (2), in clause (a), for “the Central and the State Government”, substitute “the State Government”.

THE SECOND SCHEDULE

[See section 7(b)]

AMENDMENTS TO THE DELHI MUNICIPAL CORPORATION ACT, 1957

Section 2.—Omit clauses (13) and (20).

Section 9.—In sub-section (2), in sub-clause (iii) of clause (b), omit “or the Delhi Transport Committee”.

Section 36.—In sub-section (3), for clause (b), substitute “(b) from the General Manager (Electricity) on any matter connected with the administration of the Delhi Electric Supply Undertaking”.

Section 39.—In sub-section (1), omit “the Delhi Transport Committee”.

Section 42.—Omit sub-clause (ii) of clause (d).

Section 44.—Omit clause (c).

Section 50.—(i) In the heading, omit “the Delhi Transport Committee”;

(ii) in sub-section (1), omit “the Delhi Transport Committee”;

(iii) in sub-section (2), omit clause (b).

Section 52.—Omit “the Delhi Transport Committee”.

Section 53.—Omit “the Delhi Transport Committee” and “the Delhi Transport Undertaking”.

Section 59.—(i) In the opening paragraph, omit “or the Delhi Transport Undertaking”;

(ii) in clause (d), omit “or the General Manager (Transport)”.

Section 60.—(i) In the heading, omit “and the General Manager (Transport)”;

(ii) in sub-section (1), for “two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport)”, substitute “a suitable person as the General Manager (Electricity)”;

(iii) in sub-section (2), for “each of the two General Managers”, substitute “The General Manager (Electricity)”;

(iv) in sub-section (3), for “any of the General Managers”, substitute “the General Manager (Electricity)”;

(v) in sub-section (4), for “Any of the General Managers”, substitute “The General Manager (Electricity)”.

Section 61.—For “Each of the General Managers”, substitute “The General Manager (Electricity)”.

Section 62.—(i) In sub-section (1), omit clause (b);

(ii) in sub-section (2), for “any of the General Managers”, substitute “the General Manager (Electricity)”;

(iii) in sub-section (3), for “any of the General Managers”, substitute “the General Manager (Electricity)”.

Section 63.—For “two General Managers”, substitute “General Manager (Electricity)”.

Section 64.—Omit sub-section (2).

Section 65.—In sub-section (1), omit “the Delhi Transport Committee”.

Section 66.—(i) In sub-section (1), for “the General Manager (Electricity) or the General Manager (Transport)”, substitute “or the General Manager (Electricity)”.

(ii) in sub-section (2), for "any of the General Managers", substitute "the General Manager (Electricity)".

Section 67.—(i) In sub-section (1), omit "the Delhi Transport Committee";

(ii) in sub-section (2), omit "the Delhi Transport Committee".

Section 68.—"the Delhi Transport Committee".

Section 69.—Omit "the Delhi Transport Committee".

Section 70.—(i) In sub-section (1)—

(a) in clause (b), omit "or the Delhi Transport Undertaking";

(b) in clause (c), omit "or the Delhi Transport Undertaking";

(ii) in sub-section (3), omit "or the Delhi Transport Undertaking" and "or as the case may be, the words and brackets "General Manager (Transport)".

Section 71.—In sub-clause (i) of clause (b), omit "or the Delhi Transport Committee".

Section 81.—(i) In sub-section (1), omit "and the General Manager (Transport) or any municipal Officer authorised by him in this behalf";

(ii) in sub-section (8),—

(a) omit "and the General Manager (Transport)";

(b) for "respectively to the Delhi Electric Supply Undertaking and the Delhi Transport undertaking", substitute "to the Delhi Electric Supply Undertaking".

Section 83.—In sub-section (1), omit "the Delhi Transport Committee".

Section 90.—In sub-section (7), omit clause (ii).

Section 92.—In sub-section (1),—

(i) in sub-clause (i) of clause (a), omit "the Delhi Transport Committee" and "the Delhi Transport Undertaking";

(ii) in sub-clause (b), omit "the General Manager (Transport)".

Section 96.—Omit "or the General Manager (Transport)".

Section 99.—(i) In sub-section (1), in clause (h), omit "the Delhi Transport Undertaking";

(ii) in sub-section (2), omit clause (b).

Section 100.—Omit sub-section (3).

Section 101.—In sub-section (1), in clause (b), omit sub-clause (iii).

Section 104.—Omit "or the General Manager (Transport)" and "or the Delhi Transport Committee".

Section 106.—(i) In sub-section (1), omit "the General Manager (Transport) in the case of any work in connection with the Delhi Transport Undertaking";

(ii) in sub-section (3), omit "or the General Manager (Transport)".

Section 109.—In sub-section (1), omit clause (c).

Section 110.—(i) In sub-section (1), omit clause (c).

(ii) in sub-section (5), in clause (a), omit sub-clause (ii).

Section 112.—Omit "or the Delhi Transport Committee".

Section 115.—In sub-section (4), in clause (b), omit "the Delhi Transport Undertaking".

Section 204.—Omit clause (b).

Section 208.—(i) In sub-section (3), omit "the Delhi Transport Committee";

(ii) in sub-section (4), omit "the Delhi Transport Committee".

Omit Chapter XIV.—Sections 287 to 297 (both inclusive).

Section 431.—(i) In the opening paragraph, omit "or the General Manager (Transport)";

(ii) in clause (b), omit "or the General Manager (Transport)".

Section 342.—In sub-section (1), omit "or the General Manager (Transport)".

Section 433.—In sub-sections (1) and (2), omit "or the General Manager (Transport)".

Section 438.—Omit "or the General Manager (Transport)".

Section 440.—Omit "or the General Manager (Transport)".

Section 442.—In sub-section (1), omit "or the General Manager (Transport)".

Section 443.—For "the Commissioner, the General Manager (Electricity) or the General Manager (Transport)", substitute "the Commissioner or the General Manager (Electricity)".

Section 450.—Omit "and the General Manager (Transport)", "respectively" and "and the Delhi Transport Committee".

Section 462.—Omit "the Delhi Transport Committee" and "the General Manager (Transport)".

Section 467.—Omit "the General Manager (Transport)".

Section 468.—In sub-section (1), omit "the General Manager (Transport)".

Section 473.—In sub-section (1), omit "or the General Manager (Transport)".

Section 476.—In sub-section (2), omit clause (b).

Section 481.—In sub-section (1), omit paragraph "D. Bye-laws relating to transport services".

Section 417.—In sub-section (2), omit "or the Delhi Transport Undertaking".

Section 499.—In sub-section (1), omit "the General Manager (Transport)".

Section 500.—Omit "the General Manager (Transport)".

Section 504.—In sub-section (1) in clause (a), omit sub-clause (ii).

Section 509.—In sub-section (1), omit "or the General Manager (Transport)".

The Second Schedule.—Omit item 12.

THE THIRD SCHEDULE

[See section 7(c)]

APPLICATION OF THE MOTOR VEHICLES ACT, 1939 IN RELATION TO THE UNION TERRITORY OF DELHI
The Central Government,—

- (a) may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit to impose, any person to exercise and perform, to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the Motor Vehicles Act, 1939, all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or the State Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the new Corporation and the drivers and conductors of those vehicles as may be specified in the notification;
- (b) may, if it so thinks necessary, by order, cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit which has been granted or countersigned under Chapter IV of the Motor Vehicles Act

1939, by any Regional Transport Authority in the Union territory of Delhi or by the State Transport Authority, Delhi, and is valid within the whole or any part of that territory, and any order so passed shall be final;

- (c) if it so directs by order in writing, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the Motor Vehicles Act, 1939, other than a private carrier's permit;
- (d) may, by order in writing, exempt the motor vehicles of the new Corporation or the employees of its Undertaking from the provisions of the Motor Vehicles Act, 1939, or of any rules made thereunder relating to the carrying of certificates of registration and fitness.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary
to the Government of India.

THE VISVA-BHARATI (AMENDMENT) ORDINANCE, 1971 No. 22 of 1971

Promulgated by the President in the Twenty-second Year of the Republic of India:

An Ordinance further to amend the Visva-Bharati Act, 1951.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance.—

1. *Short title and commencement.*—(1) This Ordinance may be called the Visva-Bharati (Amendment) Ordinance, 1971.

(2) It shall come into force at once.

2. *Act 29 of 1961 to be temporarily amended.*—During the period of operation of this Ordinance, the Visva-Bharati Act, 1951 (hereinafter referred to as the principal Act), and the Statutes thereunder shall have effect subject to the amendments specified in this Ordinance.

3. *Substitution of new section for section 19.*—For section 19 of the Principal Act, the following section shall be substituted, namely:—

"19. (1) *The Samsad (Court).*—The Samsad (Court) shall consist of the following members, namely:—

- (a) the Acharya (Chancellor), *ex-officio*;
- (b) the Upacharya (vice-Chancellor) and the other members of the Karma-Samiti (Executive Council), *ex-officio*;
- (c) the Artha-Sachiva (Treasurer), *ex-officio*;
- (d) two persons, being Professors of the University, to be nominated by the Paridarsaka (Visitor);
- (e) two persons from among the teachers, other than the Professors, to be nominated by the Paridarsaka (Visitor);

(f) three representatives of Parliament, of which two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof;

(g) ten persons to be nominated by the Paridarsaka (Visitor) from among persons who, in the opinion of the Paridarsaka (Visitor), are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education;

(h) two members of the Alumni Association to be nominated thereunder or by the Paridarsaka (Visitor)."

(2) Ten members, other than the *ex-officio* members of the Samsad (Court), shall form the quorum for its meeting.

(3) Each member of the Samsad (Court), other than the *ex-officio* members, shall hold office for a term of three years from the date on which he is nominated as its member.

4. *Substitution of new section for section 21.*—For section 21 of the principal Act, the following section shall be substituted, namely:—

"21. *Functions of the Samsad (Court).*—The Samsad (Court) shall be an advisory body and shall—

- (a) advise the Paridarsaka (Visitor) in respect of such matter as he may refer to it for advice;
- (b) advise any authority of the University in respect of such matter as may be referred to it by such authority; and
- (c) perform such other duties and exercise such other powers as may be assigned to it by or under this Act or the Statutes made thereunder or by the Paridarsaka (Visitor)."

5. *Amendment of section 22.*—In section 22 of the principal Act, for the words "The Karma-Samiti", the words "Subject to the control of the Paridarsaka (Visitor), the Karma-Samiti" shall be substituted.

6. *Amendment of section 23.*—In section 23 of the principal Act,—

(i) for the words "The Karma-Samiti", the words "Subject to the control of the Paridarsaka (Visitor), the Karma-Samiti" shall be substituted; and

(ii) after clause (i), the following clause shall be inserted, namely:—

"(ia) shall regulate and enforce discipline among members of the teaching, administrative and ministerial staff of the University in accordance with the Statutes and the Ordinances;".

7. *Amendment of section 28.*—In section 28 of the principal Act, for sub-sections (2) to (8), the following sub-sections shall be substituted, namely:—

"(2) The Statutes may be amended, repealed or added to by Statutes made by the Karma-Samiti (Executive Council).

(3) The Karma-Samiti (Executive Council) shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing the opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Paridarsaka (Visitor).

(4) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall be submitted to the Paridarsaka (Visitor) who may assent to it or withhold his assent therefrom or remit it to the Karma-Samiti (Executive Council) for further consideration.

(5) A Statute passed by the Karma-Samiti (Executive Council) shall have no validity until it has been assented to by the Paridarsaka (Visitor)."

8. *Amendment of section 30.*—In section 30 of the principal Act,—

(i) in sub-section (3), the words "and the Samsad (Court), and shall be considered by the Samsad (Court) at its next succeeding meeting" shall be omitted;

(ii) for sub-sections (4) to (7), the following sub-sections shall be substituted, namely:—

"(4) Where the Karma-Samiti (Executive Council) has rejected the draft of an Ordinance proposed by the Siksha-Samiti (Academic Council), the Siksha-Samiti (Academic Council) may appeal to the Paridarsaka (Visitor) who may pass such orders thereon as he thinks fit.

(5) All Ordinances made by the Karma-Samiti (Executive Council) shall be submitted, as soon as may be, to the Paridarsaka (Visitor) who may disallow any such Ordinance or remit it to the Karma-Samiti (Executive Council) for further consideration.

(6) The Paridarsaka (Visitor) may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order."

9. *Substitution of new section for section 35.*—For section 35 of the principal Act, the following section shall be substitute, namely:—

"35. *Annual Reports.*—The annual report of the University shall be prepared under the direction of the Karma-Samiti (Executive Council) and shall be submitted to the Paridarsaka (Visitor) on or before such date as may be prescribed by the Statute."

10. *Amendment of section 36.*—In section 36 of the principal Act,—

(i) in sub-section (3), the words "the Samsad (Court) and to" shall be omitted; and

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The annual accounts and the financial estimates shall be considered by the Paridarsaka (Visitor) who may communicate his views to the Karma-Samiti (Executive Council) which shall take them into consideration and take such action thereon as it thinks fit or information the Paridarsaka (Visitor) when no action is taken, of its reason therefor."

11. *Substitution of new section for section 41.*—For section 41 of the principal Act, the following section shall be substituted, namely:—

"41. *Removal from membership of the University.*—The Karma-Samiti (Executive Council) may, on the recommendation of not less than two-thirds of

its members remove any person from the membership of any authority or board of the University in case if such a person is guilty of a serious offence involving moral turpitude, or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred on, or granted to, any person by the university:

Provided that no action shall be taken under this section against any person except after giving him a reasonable opportunity of being heard with regard to the proposed action."

12. *Amendment of Statutes.*—Notwithstanding anything contained in the principal Act, the Statutes of the University shall stand amended as follows:—

(i) in Statute 3, after clause (2), the following clause shall be inserted, namely:—

"(2A) when the Upacharya (Vice-Chancellor) by reason of leave or absence or any other cause is unable to perform the duties of his office, the current duties of the Upacharya (Vice-Chancellor) shall be performed—

(a) in the case of leave or absence for more than thirty days, by such Professor as the Karma-Samiti (Executive Council) may appoint for the purpose on the recommendation of the Upacharya (Vice-Chancellor);

(b) in the case of leave or absence for a period not exceeding thirty days, by such teacher or an officer as the Upacharya (Vice-Chancellor) may appoint for the purpose."

(ii) in Statute 7, after item (2), the following item shall be inserted, namely:—

"(3) *Dean of Student Welfare.*";

(iii) after Statute 9, the following Statute shall be inserted, namely:—

"9A. *Dean of Student Welfare*

(1) The Dean of Student Welfare shall be appointed, from amongst the employees of the University who are or who have been teachers of the University, by the Karma-Samiti (Executive Council) on the recommendation of the Upacharya (Vice-Chancellor).

(2) The Dean of Student Welfare shall exercise such powers and perform such duties either whole-time, or, depending upon the need of the University, part-time, accordingly as the Karma-Samiti (Executive Council) may, on the recommendation of the Upacharya (Vice-Chancellor), direct.

(3) The period and terms of the appointment of the Dean of Student Welfare shall be determined by the Karma-Samiti (Executive Council)."

(iv) Statutes 10 and 11 shall be omitted;

(v) for Statute 13, the following statute shall be substituted, namely:—

"13. *The Karma-Samiti (Executive Council)*

(1) The Karma-Samiti (Executive Council) shall consist of the following members, namely:—

(a) the Upacharya (Vice-Chancellor), *ex-officio*;

(b) seven persons of whom not more than four shall be Professors of the University, to be nominated by the Paridarsaka (Visitor); and

(c) one person to be nominated by the Pradhan (Rector) of the University.

(2) Five members of the Karma-Samiti (Executive Council) shall form the quorum for its meeting.

(3) Each member of the Karma-Samiti (Executive Council) other than the Upacharya (Vice-Chancellor), shall hold office for a term of three years from the date on which he is nominated as its member.”;

(vi) for Statute 14, the following Statute shall be substituted, namely:—

“14. The Siksha-Samiti (Academic Council)

(1) The Siksha-Samiti (Academic Council) shall consist of the following members, namely:—

(a) the Upacharya (Vice-Chancellor), *ex-officio*;

(b) Chattr-Parichalaka (Proctor), *ex-officio*;

(c) Granthagarika (Librarian);

(d) Head of the Palli-Samgathan Vibhag, *ex-officio*;

(e) fifteen teachers of the University to be nominated by the Paridarsaka (Visitor); and

(f) two persons, not being employees of the University, to be nominated by the Paridarsaka (Visitor) for their specialise Knowledge.

(2) Eight members of the Ssksha-Samiti (Academic Council) shall form the quorum for its meeting.

(3) Each member of the Siksha-Samiti (Academic Council), other than the *ex-officio* members, shall hold office for a term of three years from the date on which he is nominated as its member.”;

(vii) for Statute 16, the following Statute shall be substituted, namely:—

“16. The Artha-Samiti (Standing Finance Committee)

(1) The Artha-Samiti (Standing Finance Committee) shall consist of the following members, namely:—

(a) the Upacharya (Vice-Chancellor), *ex-officio*;

(b) two persons to be nominated by the Paridarsaka (Visitor);

(c) one Professor of the University to be nominated by the Karma-Samiti (Executive Council); and

(d) the Artha-Sachiva (Treasurer) who shall be the Secretary thereof.

(2) Four members of the Artha-Samiti (Standing Finance Committee) shall form the quorum for its meeting.

(3) Each member of the Artha-Samiti (Standing Finance Committee), other than the Upacharya (Vice-Chancellor), shall hold office for a period of three years from the date on which he is nominated as its member.”;

(viii) for Statute 19, the following Statute shall be substituted, namely:—

“19 Patha-Samitis (Boards of Studies)

(1) There shall be separate Patha-Samitis (Boards

of Studies) for each of the following namely:—

(i) school studies;

(ii) each subject of the—

(a) under-graduate studies, and

(b) post-graduate studies.

(2) The constitution of such Patha-Samitis (Boards of Studies) shall be as such as may be prescribed by Ordinances.

(3) It shall be the duty of each Patha-Samiti (Board of Studies) to make recommendations to the Siksha-Samiti (Academic Council), regarding—

(i) courses and syllabi of studies and text books for its subject or subjects with which it is concerned;

(ii) fellowships, scholarships, medals and prizes in the subject or subjects with which it is concerned;

(iii) combination of subjects permitted in the various courses; and

(iv) the names of examiners.”;

(ix) after Statute 19, the following Statute shall be inserted, namely:—

“19A. Principals of Colleges

(1) There shall be an Adhyaksha (Principal) for each College.

(2) Each Professor within the College shall, by rotation according to seniority, act as the Adhyaksha (Principal) of the College for a period of two years:

Provided that if there is no Professor in the College, a senior teacher shall be asked by the Upacharya (Vice-Chancellor) to act as the Adhyaksha (Principal) till such time as Professor is appointed:

Provided further that the Upacharya (Vice-Chancellor) may on the written request of the Professor or senior teacher, as the case may be, exempt such Professor or teacher from having to work as the Adhyaksha (Principal) or accept the resignation of an Adhyaksha (Principal) during the tenure of his office as such if the Upacharya (Vice-Chancellor) is satisfied with the reasons given by him for such resignation.

Explanation:— For the purpose of this Statute, a Professor shall be senior to a Reader and a Reader shall be senior to a Lecturer.

(3) For the purpose of this Statute, there shall be maintained separate common seniority lists, respectively, in relation to the Professors, Readers and Lecturers working in the various Colleges of the University.

(4) If a question arises as to the seniority of any Professor, Reader or Lecturer, as the case may be, the same shall be determined by the Karma-Samiti (Executive Council).”;

(x) in Statute 21, in clause (2), sub-clause (d) shall be omitted;

(xi) in Statute 22, in clause (2), the words “approval of two-thirds of the members present at any meeting of the Samsad (Court) and the” shall be omitted;

(xii) after Statute 46, the following Statute shall be inserted, namely:—

“47. Maintenance of discipline amongst students of the University

(1) All powers relating to discipline and disciplinary action in relation to students of the

University shall vest in the Upacharya (Vice-Chancellor).

- (2) The Upacharya (Vice-Chancellor) may delegate such of his powers as he deems proper to the Chatra-Parichalaka (Proctor) and to such other persons as he may specify in this behalf and the powers so delegated shall be exercised under the direction, supervision and control of the Upacharya (Vice-Chancellor).
- (3) Without prejudice to the generality of his powers relating to the maintenance of discipline and the taking of such action in the interests of maintenance of discipline as may seem to him appropriate the Upacharya (Vice-Chancellor) may, in the exercise of his powers aforesaid order or direct that any student or students be expelled, or be, for a stated period, rusticated, or be not, for a stated period, admitted to a course or courses of study or be fined in a sum of rupees that may be specified or be debarred from taking examination or examinations for one or more years or that the results of student or students concerned in the examination or examinations in which he or they have appeared, be cancelled.
- (4) Without prejudice to the powers of the Upacharya (Vice-Chancellor) and the Chatra-Parichalaka (Proctor) as aforesaid, detailed rules of discipline and proper conduct shall be framed by the University."

13. *Transitional provisions.*—(1) Every person holding office as a member of the Samsad (Court), Karma-Samiti (Executive Council), Siksha-Samiti (Academic Council), Artha-Samiti (Standing Finance Committee) or a Patha-Samiti (Board of Studies), as the case may be, immediately before the commencement of this Ordinance shall, on and from such commencement, cease to hold office as such:

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this sub-section shall be construed as affecting his continuance in such other office.

(2) Until the Samsad (Court), Karma-Samiti (Executive Council), Siksha-Samiti (Academic Council), Artha-Samiti (Standing Finance Committee) or a Patha-Samiti (Board of Studies), as the case may be, is constituted in accordance with the provisions of the principal Act as amended by this Ordinance or the Statutes as modified by this Ordinance, the Paridarsaka (Visitor) may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as so amended or the Statutes as so modified on the Samsad (Court), Karma-Samiti (Executive Council), Siksha-Samiti (Academic Council), Artha-Samiti (Standing Finance Committee) or the Patha-Samiti (Board of Studies), as the case may be.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary to the Government of India.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 9th November, 1971/Kartika 18, 1893 (Saka)

THE MOTOR VEHICLES (REQUISITIONING
AND CONTROL) ORDINANCE, 1971
(No. 23 of 1971)

Promulgated by the President in the Twenty-second

Year of the Republic of India.

An Ordinance to provide for the requisitioning of motor vehicles, and controlling their use, in certain emergent circumstances, and for matters connected therewith.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Motor Vehicles (Requisitioning and Control) Ordinance, 1971.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "competent authority" means the Central Government or the State Government or any person appointed by the Central Government or the State Government to exercise the powers of competent authority under any provisions of this Ordinance;

(b) "motor vehicle" has the same meaning as assigned under clause (18) of section 2 of the Motor Vehicle Act, 1939 (4 of 1939);

(c) "owner" includes, where the person in possession of a motor vehicle is a minor, the guardian of such minor; and in relation to a motor vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement;

(d) "prescribed" means prescribed by rules made under this Ordinance.

3. *Power to requisition motor vehicles.*—(1) If in the opinion of the competent authority it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of services and supplies essential to the life of the community or the relief of distress caused by influx of refugees, serious draught, flood, fire or any other natural calamity, the competent authority may, by order in writing, requisition any motor vehicle and may make such further orders as appear to it to be necessary or expedient in connection with the requisition.

(2) Where the competent authority has requisitioned any motor vehicle under sub-section (1), it shall vest in the Government for the period of the requisition and the Government may use or deal with it in such manner as may appear to it to be expedient.

(3) Without prejudice to any powers otherwise conferred by this Ordinance, any person authorised by a competent authority may enter any premises and inspect any motor vehicles therein or thereon for the purpose of determining whether, and, if so, in what manner, any order under this section should be made in relation to such motor vehicle, or with a view to securing compliance with any order made under this section.

4. *Release from requisition.*—(1) The competent authority may, at any time release from requisition any motor vehicle requisitioned under section 3 and shall, as far as possible, restore the motor vehicle in as good a condition as it was when possession thereof was taken, subject only to the changes caused by reasonable wear and tear.

(2) Where any motor vehicle is to be released from requisition, the competent authority may, after such enquiry, if any, as it may in any case consider necessary

to make or cause to be made, specify by order in writing to whom possession of the motor vehicle shall be given.

(3) The delivery of possession of the requisitioned motor vehicle to the person specified in the order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such motor vehicle and the requisition shall be at an end:

Provided that nothing in this section shall prejudice any rights in respect of the motor vehicle which any other person may be entitled to by due process of law to enforce against the person to whom the possession of the motor vehicle is so delivered.

(4) Where the person to whom the possession of any requisitioned motor vehicle is to be given cannot be found and has no legal agent or other person empowered to accept delivery on his behalf, the competent authority shall cause a notice declaring that the motor vehicle is released from requisition to be published in the Official Gazette.

(5) When a notice referred to in sub-section (4) is published in the Official Gazette, the motor vehicle specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the Government shall not be liable for any compensation or other claims in respect of the motor vehicle for any period after the said date.

5. Compensation for requisitioning of motor vehicles.—The compensation payable in respect of requisitioning of any motor vehicle shall be the sum total of the following items:

(i) interest on the cost at which the owner had purchased the motor vehicle calculated in a manner and at a rate, not being below three per cent or above six per cent per annum, that may be prescribed for all or any class of motor vehicles:

Provided that where the motor vehicle has been obtained by the owner as a gift or its cost cannot be established by him to the satisfaction of the competent authority or its cost exceeds the current replacement price of the motor vehicle, the current price of the same motor vehicle or motor vehicle which, in the opinion of the competent authority, is substantially similar to it, shall be taken to be its cost;

(ii) an amount representing depreciation of the motor vehicle during the period of its requisition calculated at a rate not exceeding thirty per cent per annum and in a manner that may be prescribed for all or any class of motor vehicles;

(iii) an amount for the loss of the use of the motor vehicle or of any profits that might have been earned but for the requisition, at such percentage, not being less than three per cent per annum, as may be prescribed of the cost referred in clause (i) above as reduced by the depreciation calculated at the same rate as for clause (ii) above in such manner and for such period as may be so prescribed;

(iv) any further amount that the Central Government may by general or special order specify:

Provided that if during the period of requisition the motor vehicle is damaged otherwise than by normal wear and tear or lost at a time when it is not insured, there shall be paid to the owner additional compensation of a sum equal to the cost of making good the damage

or, in the case of a total loss, a sum equal to the compensation that may be payable if the motor vehicle is acquired on the date of the loss, such compensation being determined in the manner prescribed:

Provided further that the owner shall have the right to appeal to the Compensation Tribunal hereinafter provided, within thirty days of the receipt of the order of the competent authority assessing the compensation or within such further period as the Tribunal may, for sufficient cause, allow, in such form and manner as may be prescribed.

6. Compensation Tribunal.—(1) The Central Government shall by notification appoint a Compensation Tribunal for such area as may be specified in the notification to exercise the functions conferred on the Compensation Tribunal by the provisions of this Ordinance.

(2) The Compensation Tribunal shall consist of,—

(i) a person who has for at least ten years either held a judicial post or been in practice as an Advocate of a High Court, and

(ii) a person who has for at least ten years been in the practice of accountancy as a Chartered Accountant under the Chartered Accountants Act, 1949, (37 of 1949), or as a registered accountant under any law previously in force, or partly as a registered accountant and partly as a chartered accountant, or any person who has had, in the opinion of the Central Government, adequate experience of a character which renders him suitable for appointment to the Tribunal.

(3) If the members of a Tribunal constituted for any area differ in their assessment of the compensation payable to the owner of a motor vehicle, the case shall be referred by the Central Government to a member of a Tribunal constituted for any other area and it shall be decided according to the assessment made by him.

(4) The orders passed by the Compensation Tribunal on appeal shall be final.

(5) The Compensation Tribunal shall have all the powers of a Civil Court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

(6) The Central Government may, by rules—

(a) prescribe the procedure to be followed by the Compensation Tribunal in proceedings under this section; and

(b) make provision generally for carrying into effect the provisions of this section.

7. Payment of compensation.—The Compensation determined by the competent authority for requisitioning any motor vehicle shall be paid within such period, at such intervals and in such manner as may be prescribed:

Provided that where payment of the compensation is delayed beyond the period so prescribed, interest shall be payable on the amount or part of the amount in arrear at such rate not being below three per cent or above six per cent per annum and with effect from such date or dates as may be prescribed.

8. Power to require information.—A competent authority may, with a view to requisitioning any motor vehicle or taking any other action with respect thereto in pursuance of the provisions of this Ordinance, by order in writing,—

(i) require any person to submit to it, within such time or at such intervals as may be specified in

the order, such information and documents in his possession relating to the motor vehicle as may be so specified, being information and documents reasonably necessary for carrying into effect the provisions of this Ordinance;

- (ii) direct that the owner or person in charge of the motor vehicle shall not without the permission of the competent authority dispose of it, or remove it from the premises in which it is kept, till the expiry of such period as may be specified in the order.

9. *Penalty for contravention of orders.*—If any person contravenes any order made under section 3 or section 8, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

10. *Control of motor vehicles.*—(1) If in the opinion of the Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of services and supplies essential to the life of the community, or the relief of distress caused by influx of refugees, serious draught, flood, fire or any other natural calamity, the Government may without prejudice to other provisions of this Ordinance, by general or special order, in such area and for such period as may be specified in the order,—

- (a) regulate, restrict or give directions with respect to, the use of any motor vehicle for the purpose of road transport, or the sale or purchase of any such vehicle;
- (b) require any person owning, or having in his possession or under his control, any motor vehicle (hereafter in this section referred to as "the said person") to make to any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such vehicle and require such return to be verified in such manner as may be specified therein;
- (c) require the said person to give notice in such manner as may be specified in the order before disposing of the motor vehicle or allowing it to pass out of his possession or control;
- (d) require the said person, or any person employed in connection with any motor vehicle, to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order; and such directions may require the said person or such employed person to use the vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;
- (e) prescribe the conditions subject to which, and the rates at which any motor vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;
- (f) provide for the giving of directions with respect to the carriage of persons or goods on any particular motor vehicle, or by any particular route, or to any particular clearing house or depot;
- (g) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport;
- (h) make such other provisions in relation to road transport as appear to the Government to be necessary or expedient.

(2) If any police officer or any other person authorised by the Government in this behalf has reason to believe

that any motor vehicle is or is kept, in or upon any building, land or other premises, or is being used by any person in contravention of an order made under sub-section (1), such officer or person may—

- (a) enter and search any such premises, and seize any motor vehicle found which he suspects to be therein or thereon in contravention of the order;
- (b) stop such person and seize any motor vehicle which is being used in contravention of the order.

(3) If any person contravenes any order made in pursuance of this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

11. *Service of orders and notices.*—Save as otherwise expressly provided in this Ordinance, any order made or notice issued under the provisions of this Ordinance shall be deemed to have been served on the owner of a motor vehicle if it is served on the person having possession or control of that vehicle.

12. *Delegation of powers.*—The Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of this Ordinance (except the power to make rules) shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged also by such officer or class of officers as may be so specified.

13. *Protection of action taken.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or omitted to be done in pursuance of this Ordinance or any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or omitted to be done in pursuance of this Ordinance or any rules or orders made thereunder.

14. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which, and the rate at which, interest, depreciation or the amount for the loss of the use of a motor vehicle, is to be calculated for the purposes of clause (i), clause (ii) or clause (iii) of section 5, as the case may be;
- (b) the principles to be followed in determining the amount of compensation in the case of a total loss of a motor vehicle;
- (c) the form of, and the manner in which, an appeal may be preferred to the Compensation Tribunal;
- (d) the method of payment of compensation and the computation of interest payable on the amount of compensation under section 7;
- (e) any other matter which has to be or may be prescribed.

(3) Every rule made under this Ordinance shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of

thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary to the Government of India.

AGRICULTURE DEPARTMENT NOTIFICATIONS

Simla-2, the 7th January, 1972

No. 6-29/69-Agr. Sectt.—The Government of India, Ministry of Agriculture, Department of Agriculture notification No. F.13-6/70 C&M., dated the 10th September, 1971, which has already been published in the Gazette of India, Part-II, Section 3(ii) is hereby republished in the Himachal Pradesh Government Rajpatra for general information.

K. C. PANDEYA,
Secretary.

BHARAT SARKAR KRISHI MANTRALAYA (KRISHI VIBHAG) NOTIFICATION

New Delhi, the 10th September, 1971

S.O. Whereas a draft of the Fennel (Whole and Ground), Fenugreek (Whole and Ground) and Celery Seeds (Whole) Grading and Marking Amendment Rules,

1970 was published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at pages 4075-4877 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 24th October, 1970 with the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation, (Department of Agriculture), No. S.O. 3467, dated the 29th September, 1970 inviting objections and suggestions from all persons likely to be affected thereby till the 5th November, 1970; And whereas the said Gazette was made available to the public on the 24th October, 1970;—

And whereas no objections or suggestions have been received from the public;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules, namely:—

RULES

1. These rules may be called the Fennel (Whole and Ground) Fenugreek (Whole and Ground) and Celery Seeds (Whole) Grading and Marking (Amendment) Rules, 1971.

2. In the Fennel (Whole and Ground), Fenugreek (Whole and Ground) and Celery Seeds (Whole) Grading and Marking Rules, 1967,

(i) for rule 4, the following rule shall be substituted, namely:—

"4. *Definition of quality.*—The quality indicated by the respective grade designations and the general characteristics shall be as set out against each grade designation in column (2) to (6) and (7) of Schedule II, columns (2) to (4) and (5) of Schedules III and V columns (2) to (5) and (6) respectively of Schedule IV and columns (2) to (3) and (4) of Schedule VI";

(ii) for Schedules II, IV and VI the following Schedules shall respectively be substituted, namely:—

SCHEDULE II

(See rules 3 and 4)

GRADE DESIGNATIONS AND DEFINITION OF QUALITY OF FENNEL SEEDS (SAUNF)

Special characteristics

Grade designations	Inorganic extraneous matter (percentage by weight maximum)	Organic extraneous matter (percentage by weight maximum)	Damaged blackened and insect bored seeds (percentage by weight maximum)	Shrivelled and immature seeds (percentage by weight maximum)	Moisture (percentage by weight maximum)	General Characteristics
1	2	3	4	5	6	
Special	0.25	1.5	1.5	2.0	10.0	Fennel seeds shall—
Good	0.5	2.5	4.0	4.0	10.0	(a) be the dried mature fruits of the plant botanically known as <i>Foeniculum vulgare</i> , Mill;
Fair	1.5	3.5	6.0	6.0	10.0	(b) be free from visible mould, live insects, any harmful foreign matter and musty odour;
						(c) generally conform to the characteristic size, shape, colour, taste and aroma of the variety/type.

DEFINITIONS:

1. "Inorganic extraneous matter" means dust, stones, dirt, earth or any other inorganic foreign matter.
2. "Organic extraneous matter" means chaff, stalks, stems, straw, other seeds or any other organic foreign matter.
3. "Damaged and blackened seeds" are those fruits which are damaged or blackened materially affecting the quality.
4. "Insect bored seeds" are these fruits which are partially or wholly bored or eaten by weeviles or other insects.
5. "Shrivelled and immature seeds" are those fruits which are not properly developed".

SCHEDULE IV

(See rules 3 and 4)

GRADE DESIGNATIONS AND DEFINITION OF QUALITY OF FENUGREEK SEEDS (METHI)

Grade designations	Special characteristics				General characteristics
	Extraneous matter (percentage by weight maximum)	Damaged, blackened and insect bored seeds (percentage by weight maximum)	Shrivelled and immature seeds (percentage by weight maximum)	Moisture (percentage by weight maximum)	
1	2	3	4	5	6
Special	1.0	0.5	1.5	10.0	Fenugreek seeds shall— (a) be the dried mature seed of the plant botanically known as <i>Trigonelle feenum-graecum</i> L.; (b) be free from visible mould, live insects, and harmful foreign matter and musty odour; (c) generally conform to the characteristic size, shape colour, taste and aroma of the variety/type.
Good	2.0	1.0	3.0	10.0	
Fair	4.0	2.5	5.0	10.0	

DEFINITIONS:

1. "Extraneous matter" means dust, dirt, stones, earth, chaff, stalks, stems, straw or any other foreign matter.
2. "Damaged and blackened seeds" are those seeds which are damaged or blackened materially affecting the quality.
3. "Insect bored seeds" are those seeds which are partially or wholly bored or eaten by weeviles or other insects.
4. "Shrivelled and immature seeds" are those seeds which are not properly developed.";

SCHEDULE VI

(See rules 3 and 4)

GRADE DESIGNATIONS AND DEFINITION OF QUALITY OF CELERY SEEDS

Grade designations	Special characteristics		General characteristics
	Extraneous matter (percentage by weight maximum)	Moisture (percentage by weight maximum)	
1	2	3	4
Special*	1.0	10.0	Celery seeds shall— (a) be the dried mature fruits of the plant botanically known as <i>Apium graveolens</i> L.; (b) be free from visible mould, live or dead insects, any harmful foreign matter and musty odour; (c) generally conform to the characteristic size, shape, colour, taste and aroma of the variety/type.
Good	3.0	10.0	
Fair	5.0	10.0	

DEFINITION:

"Extraneous matter means dust, dirt, stones, earth, chaff, stalks, stems, straw or any other foreign matter.

*Note.—Special grade shall be free from rodent filth and bird and animal excreta".

[No.13-9/71-L.A.].

T. D. MAKHIJANI,

Under Secretary to the Government of India.

Simla-2, the 23rd February, 1972

No. 6-35/69-Agr. Sectt.—The Government of India, Ministry of Agriculture notification No. 13-12/71-C&M, dated the 13th January, 1972 which has already been published in part I (section 3(ii) of the Gazette of India is hereby republished in the Himachal Pradesh Government Rajpatra for general information.

Sd/-

Deputy Secretary.

Copy as above.

S.R.O.—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following article namely:—
'Besan' (flour obtained from dehusked gram).

Simla-2, the 23rd February, 1972

No. 6-29/69-Agr. Sectt.—The Government of India, Ministry of Agriculture notification No. 10-1/70-C&M, dated the 31st December, 1971, which has already been published in the Gazette of India part-II, section 3, sub-section (ii) is hereby republished in the Himachal Pradesh Government Rajpatra for general information.

K. C. PANDEYA,
Secretary.

Copy of notification No. F.10-1/70-C&M, dated the 31st December, 1971 from the Under Secretary to the Government of India, Ministry of Agriculture (Department of Agriculture), New Delhi, to the Secretary to the Government of Himachal Pradesh, (Agriculture Department).

S.O.—Whereas a Draft of the Essential Oils (Grading and Marketing Amendment) Rules, 1971 was published as required by section 3 of the Agricultural Produce (Grading and Marketing) Act, 1937 (1 of 1937) at page 1472-73 of the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 20th March, 1971; with the notification of the Government of India, in the Ministry of Agriculture (Department of Agriculture), No. S.O. 1211, dated the 23rd February, 1971, inviting objections and suggestions from all persons likely to be affected thereby, till the 15th April, 1971;

And whereas the said Gazette was made available to the public on the 20th March, 1971;

And whereas no objection or suggestion was received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules further to amend the Essential Oils Grading and Marking Rules, 1954, namely:—

1. These rules may be called the Essential Oils Grading and Marking (Amendment) Rules, 1971.
2. To rule 2 of the Essential Oils Grading and Marking Rules, 1954, the following proviso shall be added, namely:—

"Provided that the Agricultural Marketing Adviser to the Government of India may, for purposes of export, against a firm order from a foreign buyer, permit essential oils (i) for which definitions of quality have not been mentioned in the said Schedules, or (ii) for which definitions of quality have been mentioned in the said Schedules but the definitions do not satisfy the specifications of such buyers, to be designated as 'X' grade, subject to such conditions as may be laid down by him from time to time"

HOME DEPARTMENT NOTIFICATION

Simla-2, the 25th February, 1972

No. 1-6/70-Home.—The Government of India,

Ministry of Information and Broadcasting notification No. 13/2/71-Press, dated the 26th October, 1971 as published in Part II, Section 3 of the Gazette of India, is hereby republished in the Himachal Pradesh Rajpatra for the information of general public.

By order,

K. N. CHANNA,
Chief Secretary.

GOVERNMENT OF INDIA

MINISTRY OF INFORMATION AND BROADCASTING NOTIFICATION

New Delhi-1, the 26th October, 1971

S.R.O.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President, with the consent of the Government of Himachal Pradesh, hereby entrust to that Government, the functions of the Central Government in relation to matters under the Press and Registration of Book Act, 1867 (25 of 1867) subject to the following conditions, namely:—

- (i) that in the exercise of such functions the said State Government shall comply with such general or special directions as the Central Government may, from time to time, issue; and
- (ii) that notwithstanding this entrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.

[No. 13/2/71-Press].

S. PADMANABHAN,
Deputy Secretary to the Government of India.

AGRICULTURE DEPARTMENT NOTIFICATION

Simla-2, the 6th August, 1971

No. 6-35/69-Agr. Sectt.—The Government of India, Ministry of Agriculture (Department of Agriculture) notification No. 13-8/70-C&M, dated the 30th June, 1971 which has already been published in the Gazette of India Part II Section and Sub-Section (ii) is hereby republished in the Government of India Rajpatra for general information.

K. C. PANDEYA,
Secretary.

Copy as above.

S.O.—Whereas certain draft rules further to amend the Coriander Grading and Marking Rules, 1964 were published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) at pages 4881-4882 of the Gazette of India Part II, Section 3, Sub-Section (ii), dated the 24th October, 1970, with the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Agriculture), No. S.O. 3458, dated the 5th October, 1970, inviting objections and suggestions from all persons likely to be affected thereby till the 10th November, 1970

And whereas the said Gazette was made available to the public on the 24th October, 1970.

And whereas no objections or suggestions have been received from the public;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules, namely:—

RULES

1. These rules may be called the Coriander Grading and Marking (Amendment) Rules, 1971.

2. In the Coriander Grading and Marking Rules, 1964, for Schedule II, the following Schedules shall be substituted, namely:—

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules, namely:—

RULES

1. These rules may be called the Coriander Grading and Marking (Amendment) Rules, 1971.

2. In the Coriander Grading and Marking Rules, 1964, for Schedule II, the following Schedules shall be substituted, namely:—

SCHEDULE II

(See rules 3 and 4)

GRADE DESIGNATIONS AND DEFINITION OF QUALITY OF CORIANDER SEEDS (DHANIA)

Grade designations	Special characteristics					General characteristics
	Extraneous matter (percentage by weight maximum)	Split seeds (percentage by weight maximum)	Damaged blackened and insect bored seeds (percentage by weight maximum)	Shrivelled and immature seeds (percentage by weight maximum)	Moisture (percentage by weight maximum)	
1	2	3	4	5	6	7
Special	1.5	10.0	1.0	1.0	10.0	Coriander seeds shall— (a) be the dried mature fruits of the plant botanically known as <i>coriandrum sativum</i> L; (b) be free from visible mould, live insects, any harmful foreign matter and musty odour; (c) generally conform to the characteristic size, shape, taste, colour and aroma of the variety/type.
Good	3.0	15.0	2.0	2.0	10.0	
Fair	7.0	30.0	4.0	3.0	10.0	
	7.0	As agreed to between the buyer and seller in the firm order.	4.0	3.0	10.0	

PART I

REVENUE DEPARTMENT NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose*. It is hereby notified that land in the locality described below is likely to be acquired for the said* purpose.

This notification is made under the provisions of section 4 of Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the Officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Beas-Sutlej Link Project, Mandi district, Mandi, Himachal Pradesh.

No. 4-19/70-Rev. II. Simla-2, the 20th March, 1972

*Construction of Sundernagar Hydel Channel.

SPECIFICATION

District: MANDI		Tehsil: SADAR		
Village 1	Khasra No. 2	Area		
		Big.	Bis.	Bisw.
		3	4	5
TAMROH	11/2	0	6	18
	43/2	0	8	3
	59/2/1	0	1	6
	85/2	0	7	11
	88/5/1	7	1	13
	89/1	0	0	12
Total		8	6	3

*Construction of Sundernagar Hydel Channel.

Tehsil: SUNDERNAGAR				
NICHLI BELHI	1087/1	0	4	0
	1088/1	0	2	3
	1095/1	0	4	19
	1096/1	0	4	3
	1098/1	0	3	0
	1099/1	0	4	10
	1244	0	10	16
	1241/1	0	8	1
Total	1246/1	0	17	19
		2	19	11

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 20th March, 1972

No. 1-4/72-VS.—The following order by the Governor, dated the 19th March, 1972, is published for general information:—

"I, S. Chakravarti, Governor of the State of Himachal Pradesh, in exercise of the powers vested in me by virtue of Article 174 of the Constitution of India, do hereby summon the Himachal Pradesh Vidhan Sabha to meet at 14.00 hours on Monday, the 27th March, 1972 in the Council Chamber, Simla-4.

S. CHAKRAVARTI,
Governor."

*Secretary,
Himachal Pradesh Vidhan Sabha.*